New Jersey Law and Highway Development

A Review Prepared at the Request
of the Commissioner of Highways,
Dwight R. G. Palmer

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New Jersey Law

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April 15, 1960

Commissioner Dwight R. G. Palmer
State Highway Department
1035 Parkway Avenue
Trenton, New Jersey

Dear Commissioner Palmer:

In compliance with our agreement, we are pleased to present this report, "New Jersey Law and Highway Development," for your study and for the possible interest and use of the Senate and the General Assembly of New Jersey.

This review of state highway law was prepared in accordance with an agreement made with you September 15, 1958, under the terms of which this Foundation has submitted the report, "Basic Highway Problems of New Jersey." That report contains a section summarizing recommendations for state law changes which it is believed would facilitate the work of the New Jersey State Highway Department and would enable it to better serve the public.

The report, "Law and Highway Development," reviews and evaluates each section of law as it relates to the Department and the State Highway System. The technical findings are largely based on the experiences and information developed through the highway laws research project now in progress under the auspices of the Highway Research Board, with the cooperation of the American Association of State Highway Officials and the U. S. Bureau of Public Roads.

The law review was made by Mason Mahin, Assistant Director, Gregory Kosteck and Anthony Antony of the Laws Division of the Foundation.

We gratefully appreciate the cooperation given by you and staff assistants.

Very truly yours,

C. E. Fritts

C. E. Fritts
Vice President in
Charge of Engineering

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INTRODUCTION

Businesses and industries from time to time adjust their policies and practices, and their financial structures, to meet changing conditions and to manage better their own growths.

Planning, constructing and maintaining a state highway system is a major business. But a state highway department must live and act within the confines of the law that establishes policies, responsibilities and duties. Lacking good highway law, a state highway department cannot meet satisfactorily the needs and expectations of the public.

The prime responsibility for highway development rests with the state legislature. It is only through the law that the legislature establishes highway policy and provides the legal tools for its execution.

New Jersey highway law, in the opinion of the study staff, is better than average. However, certain improvements would enable the New Jersey State Highway Department to confront better the huge growths expected in population, highway use and highway needs. These are described in the main report.

Part I of this study discusses in more detail the recommendations contained in the main report, "Basic Highway Problems of New Jersey." Covered are these subjects: State-aid, Traffic Operations, Personnel and Relocation of Public Utilities on Freeways.

Part II reviews the actual statutes covering the many phases of the State Highway Department's operations. This has been done in such manner as to assist in recodifying highway law when undertaken.

Since Foundation policy does not permit, and since fiscal matters are strictly of legislative determination, this study does not include financing recommendations. Financing, however, is of paramount concern, both with regard to adequacy and to how funds are made available.

To succeed, any large business must have a long range plan of operation and a fiscal policy that assures its execution. As discussed in the main report, the Highway Department now must suffer along with a year-to-year fiscal policy which makes virtually impossible true long range, logically planned construction programs. Examination of New Jersey's fiscal policy for highways should be a first step in preparing for the not-so-distant future when there will be twice as many vehicles on the road as there are today.

Part I

MANAGEMENT PROBLEMS

This part of the study amplifies subjects discussed in the concluding section of "Basic Highway Problems of New Jersey."

1. Personnel

Personnel selection while not a part of the highway law (Title 27), was covered in the main report and recommendations were made to revise the present civil service act.

Section 11:10-6, Civil Service Act, restricts the Commissioner's choice and selection of personnel to the top three on the employment list as established by competitive examinations. Others on the list who have had long years of administrative experience and who could become valuable assets to the Department are precluded from consideration.

For an effective and efficient administration of the Highway Department, the Commissioner of Highways should be vested with sufficient authority to appoint the best qualified personnel. Without this authority he cannot possibly carry out his responsibility. (See page 43 .)

2. State-Aid

New Jersey's present state-aid laws provide for furnishing financial aid to the counties and municipalities

within the state. Under these statutes local authorities select the roads and streets where state-aid funds are to be expended with the approval of the State Highway Commissioner.

However, State-aid financed roads and streets are not required to be part of an integrated highway system and funds are expended on roads without regard to the development of an integrated transportation system.

More specifically, following are some of the principal weaknesses in the present state-aid laws and recommendations for their improvement:

a. Classification

Present statutes have no provisions that require the classification and the selection of the local roads and streets into a state-aid system.

The law should direct the Highway Commissioner to initiate, and in cooperation with local officials, develop a classification plan of local roads and streets comprising the state aid system. Selection of the system should take into account the importance of the roads both to the state and to each local jurisdiction.

Final selection of the system should be subject to approval by the Highway Commissioner. Provision should also be made for revising the system by adding or removing roads as future needs may require.

b. Authority and Responsibility

Present law is ambiguous in assigning responsibilities to the State Highway Department and local officials for state-aid roads. As a result the Department is often called upon to make arbitrary decisions.

The law should clearly define the authority and responsibility of each level of government for the construction, maintenance and operation of the state-aid system. Provision should also be made for the adoption of uniform standards of design, construction and maintenance, through the joint and cooperative efforts of county, municipal and state officials.

c. Planning and Programming

Legislation should be adopted to direct each local governmental unit to prepare and file with the Commissioner, a statement of highway needs and financial requirements that may be expected to accrue over a specified period of years. Criteria for making such reports should be formulated by the Highway Commissioner. Such programs should be re-appraised periodically and revised as necessary. The law should require the Commissioner to file biennially with the legislature a consolidated report showing the development of the program and the expenditures made.

d. Financing

As indicated the distribution of state-aid to the several counties and municipalities is not based upon factually determined highway needs.

Such needs are determined only after an adequate survey of planning and programming has been developed.

With this information, the legislature can then determine and adopt an appropriate formula for allocation of funds in accordance with the plans and programs developed.

Implementing the above recommendations covering state-aid laws would require amending the several sections on pages 79 through 108 herein.

3. Traffic Operations

Under certain provisions of the motor vehicle law, the State Highway Department and the Division of Motor Vehicles have joint authority over traffic operations. All decisions in these matters affecting the State Highway System must be initiated by the Commissioner of Highways, but the final determination is subject to approval of the Director of Motor Vehicles.

This split in authority has caused considerable confusion and delay and has resulted in a series of executive orders to alleviate this situation. Final order in this series, Executive Order No. 14, February 20, 1956, provides:

"For the purpose of clarifying said Executive Order No. 11, dated April 11, 1955, and to confirm

> the transfer of authority which was intended to be accomplished by said Executive Order No. 11, it is hereby ordered that all functions which were vested in the Bureau of Traffic Safety by Executive Order No. 31, dated November 30, 1951, and which related to traffic and traffic control on roads of the State Highway System and of intersections of county and municipal roads with the State Highway System are hereby transferred to and vested in the State Highway Department."

The recommendation of the study "Basic Problems of New Jersey" strongly supports the intent and purpose of this Executive Order.

To centralize and logically locate traffic operations, legislation should be prepared to revise the appropriate sections of Chapter 4, Title 39, by giving the Commissioner of Highways exclusive authority over traffic operations as provided for under the Executive Order cited above. This proposal is not intended to change the present authority of the Division of Motor Vehicles, under section 39:4-8, with regard to proposed traffic ordinances and resolutions by local authorities. (See page 41 .)

In addition, the law should require the Commissioner of Highways to prepare, publish and keep current a manual of uniform standards and practices conforming to the current Manual on Uniform Traffic Control Devices, as approved by the American Association of State Highway Officials. All

traffic control devices installed and maintained by the State Highway Department and local authorities should be required to conform to the standards specified in the Manual. This would require revising other appropriate sections in Chapter 4, Title 39, which provide for specific design of traffic control devices. (See page 41 .)

4. Relocation of Public Utilities on Freeways

The present Freeway and Parkway Act grants the State Highway Commissioner power to order public utilities to relocate or remove their facilities to accommodate the construction of a freeway or parkway. The cost and expense of such relocation or removal, including the cost of land and the installation of such facilities in a new location, are paid for by the State Highway Department.

Public utilities, in acquiring rights-of-way for such relocation, must obtain approval from the Public Utility Commission before they can institute condemnation proceedings. Possession cannot be obtained until after the payment of the award is made.

In order to facilitate this process and avoid the delays encountered by the acquisition of land by utilities, it has been the policy of the Department to acquire such property and necessary easements, by direct negotiation with the property owner, in the name of the utility company concerned. Property acquired by the Department for such purpose cannot be obtained by condemnation, according to an Attorney

General's opinion. In view of this ruling, it is recommended that the law be amended to give the State Highway Commissioner authority to acquire additional land when necessary for relocation of such utilities. (See comment on page 69.)

Part II

REVIEW OF HIGHWAY STATUTES

Part II of this report covers the results of a review of approximately 276 sections of the law relating to the State Highway System and its administration. The laws governing the New Jersey Turnpike Authority, the New Jersey Highway Authority, the counties, municipalities and other jurisdictions were considered to be outside the scope of this study and were not reviewed.

In conducting this study, each section of law was examined, classified and placed in an appropriate functional category to establish a logical arrangement of the statutes. Following this, the law was carefully studied to determine the existence of any inconsistencies, duplications, and obsolete provisions, or sections of law that might have been repealed by implication. Provisions that fall into this category have been noted in appropriate places in this document.

The next step was the evaluation of law as well as a review of pertinent court decisions and Attorney General's opinions. In addition, interviews were held with key Department personnel of the legal and other divisions to determine the existence of any special problems.

Two purposes were accomplished in reviewing the law in this manner. First, some of the weaknesses in the present

law that should be corrected have been brought to light. State-aid and Relocation of Public Utilities on Freeways has already been discussed in Part I.

Secondly, through this study process the statutes have been arranged in an orderly sequence to readily permit, with a proper synthesis of language where needed, the adoption of a highway code.

Highway Code

Rearrangement of the law through this study process has provided an outline for the development of a highway code.

Preparation of the law in code form could provide the opportunity to consolidate and better integrate the statutes for greater readability and understanding. For example, section 27:1-1 and 27:1-2 providing for the continuance of the Highway Department and the composition of its personnel could well be consolidated into one section. Sections 27:1-3 and 27:1-4 both cover the same subject matter and could easily be placed in one provision are only a few examples which would improve the law without altering it in substance. (For examples of consolidation, see pages 28, 29 and 32.)

Legislative Intent

In the event it is found desirable to codify the State Highway statutes consideration should be given to inclusion of a statement of legislative intent.

Legislative intent statements in highway law provide a broad framework for the general guidance of future legislatures;

serve as a valuable yardstick for those charged with the responsibility for developing and preserving the highway facilities; aids the courts in litigation on highway matters; sets up standards of performance which must be adhered to by highway officials in their administration of functions delegated; and serves the public interest when conflicts arise between public and private rights.

North Dakota, Louisiana, Nebraska, Illinois, Minnesota, are among the states that have included legislative intent statements in recent revisions and recodification of their highway laws. (For typical example, see page 23 herein.)

A thorough treatise of this subject, entitled "Legislative Intent in Highway Laws" was published in 1958 by the Highway Research Board as Special Report 39.

Definitions

In addition, it would be well in codifying the law to consider revision and expansion of the definitions of certain highway terms. The present statute is now deficient in this regard. This is a serious condition in view of the technical nature of the terms usually found in highway law. The need is further emphasized by the fact that advance engineering concepts in recent years have led to the use of such terms as "divided highways," "ramp devices," and scores of others.

Recommended highway engineering definitions for inclusion in the law have been developed by a special committee named

by the American Association of State Highway Officials and have been adopted by the highway department in several of the states.

The New Jersey highway law should include as many of them as may be applicable. (For additional comments, see page 24.)

Administration

The present law relating to the creation of the office of the State Highway Commissioner, together with his powers and duties, is quite clear and, generally speaking has caused little or no difficulty.

However, in discussing this matter with officials, it was brought out that the permit section of the Department is confronted with the problem of controlling and regulating driveway openings. The Deputy Attorney General has ruled that under the present law the Department cannot regulate driveway cuts unless the access rights are acquired.

In order to alleviate this situation, it is suggested that the legislature enact appropriate law granting sufficient power to the Commissioner to regulate the location, size, and design of all driveway openings pursuant to reasonable rules and regulations. (See suggested legislation on page 36 herein.)

State Highway System

In the final analysis, the end product of highway management, financing and operations, is the highway system itself. Thus, the law relating to the selection of the system and the funds to be provided for its development are fundamentally important.

Under the present law and practice in New Jersey, there are inconsistencies between the system as defined by statute and the roads which comprise that system. Over the years, the legislature has designated approximately 146 routes covering some 3,000 miles of highways and has prescribed their location. However, the Highway Commissioner is not required to incorporate such routes into the State Highway System until the time of improvement. Studies show that many of the roads designated by legislative enactment do not fit into an overall plan by reason of subsequent designations nor have engineering criteria been used in such determinations.

In order to give proper consideration to allocation of funds and other legislative requirements, it is necessary that the roads comprising the system be understood.

In the report "Basic Highway Problems of New Jersey" the Highway Department was urged to continue its highway classification study and gather the necessary data for the logical selection of state routes in both rural and urban areas. It is recommended that upon the completion of that study and

the development of an integrated highway plan, the present law be amended by the legislature to incorporate in the State Highway System only those routes designated in the final plan. Such legislation would require amending section 27:6-1, page 44 herein.

Finance

Inasmuch as a number of the sections of the present financing statutes have become obsolete by the passage of time, they should be repealed. These include 27-7-19.3 and 27-20 of Title 27 which were enacted in 1939 to assist municipalities in taking care of emergency relief, and sections 27-11-7 and 27-11-8 of the same Title, which authorize the issuance of bonds for state highways.

These provisions presently are inoperable; such emergency relief is no longer provided, and the highway bonds have been retired. (See pages 72, 75 and 76.)

Right-of-Way

New Jersey's land acquisition law has proven quite satisfactory. However, from interviews and discussions with the legal counsel and the right-of-way personnel, it was disclosed that sections 27:7-22.3 and 27:7-36 need amending.

Section 27:7-22.3 provides in substance, that the Highway Commissioner is authorized to acquire by gift, purchase or condemnation the rights of access to traffic circles,

grade separations, channelized intersections and to ramp devices to facilitate connections thereto existing or to be constructed within the State Highway System.

From this language, the legal department has held the State Highway Commissioner to be without authority to relocate such entrances to the highway without first acquiring the rights of access.

There are many instances where the relocation of an entrance would improve the safety of the highway facility and, at the same time, not preclude the abutting property owner from the use of such highway. In such cases, the Commissioner should have the authority to make the relocations without paying for such access rights.

It is recommended that section 27:7-22.3 be amended to give the Commissioner authority to regulate the access, as well as to acquire access rights, where necessary.

Section 27:7-36, provides in substance, that no road can be laid out through a park or reservation under the control of the Park Commissioners without first obtaining their consent. This act authorizes the Commissioner to negotiate by contract with the Park Commissioners in laying out such highways within park and reservation areas and the Park Commissioners may convey the necessary lands for this purpose.

Under this statute, if a Park Commissioner refuses to convey the rights-of-way to the State Highway Commissioner,

there is no provision to compel the conveyance if such road is necessary.

With regard to roads covered under the Turnpike Act and Highway Authority Act, the legislature has provided means whereby the agency concerned can acquire the necessary lands for highway purposes, if necessary.

It is therefore, recommended that section 27:7-36, be revised to give the State Highway Commissioner similar authority over roads through the parks or reservations when the best interest of the State will be served. (See page 111.)

Future Use Acquisition

The authority vested in the Commissioner of Highways to acquire land for future highway use is limited only to the construction of freeways and parkways. It is noted, however, that certain designated interstate authorities created by the legislature have been granted the power to acquire land for future use for facilities under their respective jurisdiction.

One of the major problems that always confronts the Highway Commissioner is the need to plan and construct a highway system capable of serving both the present and future anticipated traffic. By vesting broader authority in the Commissioner to acquire land well in advance of construction, the following benefits are obtained:

a. Reduce right-of-way costs by discouraging land development ultimately needed for highway purposes.

b. Provide for an orderly development of communities.

c. Encourage land developers to plan the use and

development of their properties consistent with projected highway plans.

To sustain a program of advance acquisition, it is necessary that adequate funds be provided. The most acceptable method of financing such a program has been through the establishment of a special revolving fund. Complete information on state laws and methods of financing is contained in Special Report 27, Acquisition of Land for Future Highway Use, published by the Highway Research Board.
(See page 111.)

LEGISLATIVE INTENT

24-A0101. Declaration of Legislative Intent. Adequate roads and streets provide for the free flow of traffic; result in low cost of motor vehicle operation; protect the health and safety of the citizens of the state; increase property value; and generally promote economic and social progress of the state. Therefore, the legislative assembly hereby determines and declares that an adequate and integrated system of roads and streets is essential to the general welfare of the state of North Dakota.

In designating the highway systems of this state, as hereinafter provided, the legislative assembly places a high degree of trust in the hands of those officials whose duty it shall be, within the limits of available funds, to plan, develop, operate, maintain and protect the highway facilities of this state, for present as well as for future use. To this end, it is the intent of the legislative assembly to make the state highway commissioner, and the state highway department acting through him, custodian of the state highway system and to provide sufficiently broad authority to enable the commissioner to function adequately and efficiently in all areas of appropriate jurisdiction with specific details to be determined by reasonable rules and regulations which may be promulgated by him, subject to the limitations of the Constitution and the legislative mandate hereinafter imposed.

It is recognized that the efficient management, operation and control of our county roads, city streets, and other public thoroughfares are likewise a matter of vital public interest. Therefore, it is the further intent of the legislative assembly to bestow upon the boards of county commissioners similar authority with respect to the county road system and to local officials with respect to the roads under their jurisdiction.

While it is necessary to fix responsibilities for the construction, maintenance and operation of the several systems of highways, it is intended that the state of North Dakota shall have an integrated system of all roads and streets to provide safe and efficient highway transportation throughout the state. To this end, it is the intent of the legislative assembly to give broad authority and definite responsibility to the state highway commissioner and to the boards of county commissioners so that working together, free from political pressure and local interests, they may provide for the state an integrated system of state and county highways built upon a basis of sound engineering with full regard to the interest and well-being of the state as a whole.

Providing adequate public highway facilities, including rural and urban links, is hereby declared to be a proper public use and purpose and the legislative assembly hereby determines and declares that this Act (S.L. 1953, c.177) is necessary for the immediate preservation of the public peace, health and safety, for the promotion of the general welfare, and as a contribution to the national defense.

Source. S.L. 1953, c. 177, s. 1.

Comment

Section 24-A0101, reproduced on this page, is the North Dakota Declaration of Legislative Intent enacted into law in 1953. This represents a typical statement which has been adopted by the several states.

In supporting the comments made on page 15, it is recommended that serious consideration be given to include a statement of legislative intent, if and when, a recodification of the present law is contemplated.

Words and Phrases

The need for uniform definitions of words and phrases in the highway law field was recognized by the American Association of State Highway Officials by the establishment of a Special Committee on Nomenclature.

In presenting the first set of definitions relating to "Types of Highways" which was adopted by AASHO in June, 1949, the Special Committee on Nomenclature noted that:

> "...there is wide variation of terms in local, regional and general use. Already there is evidence of misunderstanding and some confusion in the use of different terms for the same design type of roadway feature of a rural highway. In the field of urban highways there is an even greater range of terms and meanings, some for the same word. While it is difficult to set up type definitions without introducing conflict with accepted usage in some areas, it seems essential to establish specific definitions for general terms used frequently in conjunction with highway improvements...."

Subsequently other sets of definitions were approved and published by AASHO as follows:

Additions to Types of Highways - approved February 6, 1950,
Traffic Terms - approved November, 1950, Right-of-Way terms - approved January 1, 1952 and
Intersection Terms - approved July 1, 1953.

The Special Committee plans to continue work on other more specific terms which will be presented for approval and adoption by AASHO with recommendations for use by the several states.

Comment

The value of precise definitions of terms and phrases used in the field of law cannot be overemphasized. A clear understanding of the law and its meaning is important to the highway engineer, the courts and the general public.

In other areas of highway transportation uniform definitions are incorporated in the Manual on Uniform Traffic Control Devices and the Uniform Vehicle Code which are used by Traffic Engineers and Motor Vehicle Administrators respectively.

In conjunction with what has been stated on page 16 herein, it is suggested that in any new or amendatory highway legislation to be considered, the Legislature should give serious consideration to this subject and include as many of the accepted definitions as practicable.

DEFINITIONS

Present New Jersey Law

27:7-1. Definitions

As used in this subtitle:

"Authority" means a governing body or public official charged with the care of a highway.

"Betterment" means construction, subsequent to the original improvement, of any one or more of the component factors properly belonging to the original improvement, which may have been omitted in the original improvement of a road, or which adds to the value thereof after improvement.

"Commissioner" means the state highway commissioner.

"County road" means a road taken over, controlled or maintained by the county.

"Department" means the state highway department, acting through the state highway commissioner or such officials as may be by the commissioner designated.

"Engineer" means the state highway engineer, or the assistant state highway engineer, when designated.

"Extraordinary repairs" means extensive or entire replacement, with the same or a different kind of material, of one or more of the component factors of the original improvement of a road, which may become necessary because of wear, disintegration or other failure.

"Governing body" means the mayor and council, town council, village trustees, commission or committee of any municipality, and the board of chosen freeholders of any county.

"Highway" means a public right of way, whether open or improved or not, including all existing factors of improvements.

"Improvement" means the original work on a road or right of way which converts it into a road which shall, with reasonable repairs thereto, at all seasons of the year, be firm, smooth and convenient for travel. "Improvement" shall consist of location, grading, surface, and subsurface drainage provisions, including curbs, gutters, and catch basins, foundations, shoulders and slopes, wearing surface, bridges, culverts, retaining walls, intersections, private entrances, guard rails, shade trees, illumination, guideposts and signs, ornamentation and monumenting. All of these component factors need not be included in an original improvement.

"Jurisdiction" means the civil division of the state, over the roads of which any authority may have charge.

"Maintenance" means continuous work required to hold an improved road against deterioration due to wear and tear and thus to preserve the general character of the original improvement without alteration in any of its component factors.

"Public utility" means and includes every individual, copartnership, association, corporation or joint stock company, their lessees, trustees, or receivers appointed by any court, owning, operating, anaging or controlling within the state of New Jersey a steam ilroad, street railway, traction railway, canal, express, subway, pipe line, gas, electric, light, heat, power, water, oil, sewer, telephone, telegraph system, plant or equipment for public use under privileges granted by the state or by any political subdivision thereof.

Comment

See comment on page 24.

DEFINITIONS

Present New Jersey Law

"Reconstruction" means the rebuilding with the same or different material of an existing improved road, involving alterations or renewal of practically all the component factors of which the original improvement consisted.

"Repairs" means limited or minor replacements in one or more of the component factors of the original improvement of a road which may be required by reason of storm or other cause in order that there may be restored a condition requiring only maintenance to preserve the general character of the original improvement of a road.

"Resurfacing" means work done on an improved road involving a new or partially new pavement, with or without change in width, but without change in grade or alignment.

"Road" means a highway other than a street, boulevard or parkway.

"Route" means a highway or set of highways including roads, streets, boulevards, parkways, bridges and culverts needed to provide direct communication between designated points.

"State highway" means a road taken over and maintained by the state.

"State highway system" means all highways included in the routes set forth in this subtitle, or added thereto, including all bridges, culverts, and all necessary gutters and guard rails along the route thereof.

"Street" means a highway in a thickly settled district where, in a distance of one thousand three hundred and twenty feet on the center line of the highway, there are twenty or more houses within one hundred feet of the center line; or any highway which the governing body in charge thereof and the commissioner may declare a street, and all highways within incorporated municipalities of over twelve thousand population; and includes boulevards, parkways, speedways, being highways maintained mainly for purposes of scenic beauty or pleasure, or of which the public use is restricted.

"Take over" means the action by the department in assuming the control and maintenance of a part of the state highway system.

"Work" means and includes the:

a. Acquisition, by lease, gift, purchase, demise or condemnation, of land for any purpose connected with highways or adjoining sidewalks, for temporary or permanent use;

b. Laying out, opening, construction, improvement, repair and maintenance of highways and removal of obstructions and encroachments from adjoining sidewalks;

c. Building, repair and operation of bridges;

d. Building of culverts, walls and drains;

e. Planting of trees;

f. Protection of slopes;

g. Placing and repair of road signs and monuments;

Comment

See comment on page 24.

DEFINITIONS

Present New Jersey Law

h. Opening, maintenance and restoration of detours;
i. Elimination of grade crossings;
j. Lighting of highways;
k. Removal of obstructions to traffic and to the view;
l. Surveying and preparation of drawings and papers;
m. Counting of traffic;
n. Letting of contracts;
o. Purchase of equipment, materials and supplies;
p. Hiring of labor;
q. And all other things and services necessary or convenient for the performance of the duties imposed by this title.

Comment

See comment on page 24.

ADMINISTRATION

Present New Jersey Law

27:1-1. State Highway Department continued

The administrative organization heretofore established and designated as the State Highway Department, hereafter in this Title referred to as the department, shall be continued, subject to the provisions of this chapter, as a department in the executive branch of the State Government and is hereby constituted a principal department therein.

27:1-2. Department consists of commissioner and others; powers vested in commissioner

The department shall be deemed to consist of the state highway commissioner, and all officers and employees continued in offices or employments or appointed under the provisions of this chapter, but all the powers of the department shall reside in the state highway commissioner as the administrative head thereof.

Comment

In supporting the statement on page 15, example of consolidating sections 27:1-1 and 27:1-2 is shown below.

Reference in sec. 27:1-2, that "all powers of the department shall reside in the state highway commissioner" will be found in a suggested new section on page 32.

(Example of consolidation)

Department Established; Personnel

The State Highway Department heretofore established shall be continued as a department in the executive branch of the State Government. The department shall consist of the state highway commissioner, deputy state highway commissioner, state highway engineer, assistant state highway engineer, other engineers, division heads, clerical, technical and other personnel as may be prescribed by law.

ADMINISTRATION

Present New Jersey Law

27:1-12. Office and equipment

The department shall be furnished with suitable accommodations in Trenton and elsewhere in the state as may be necessary, properly equipped for the transaction of business.

27:1-3. State highway commissioner; appointment and qualifications

The State Highway Commissioner, hereinafter in this Title referred to as the "commissioner," shall be the head of the State Highway Department. He shall be a citizen and resident of this State, and shall be nominated and appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor.

27:1-4. Compensation and expenses of commissioner; oath and bond

The commissioner shall receive such salary as shall be provided by law. Before entering upon his duties, he shall make and subscribe an oath, to be filed in the office of the Secretary of State, that he will faithfully, impartially and without fear, favor or prejudice discharge the duties of his office and will carefully preserve all records, papers, writings and property intrusted to him for use and safe-keeping by virtue of his office, and make such disposition of them as may be required by law. He shall give bond with surety, conditioned for the faithful performance of his duties in the sum of fifty thousand dollars ($50,000.00), to be approved as to form and the sufficiency of the surety by the Governor. The premium on the bond shall be paid by the State.

(Example of consolidation)

State Highway Commissioner - Appointment

The State Highway Commissioner shall be a citizen and resident of this State, and shall be appointed by the Governor with the advice and consent of the Senate, to serve at the pleasure of the Governor and until his successor is appointed and qualified. He shall receive such salary as prescribed by law, and before taking office, shall make and subscribe an oath to be filed with the Secretary of State and shall furnish a bond in the sum of fifty thousand dollars ($50,000,000) to be approved as to form and the sufficiency of the surety by the Governor. The premium on the bond shall be paid by the State.

Comment

No change suggested.

In supporting the statement on page 15, example of consolidating sections 27:1-3 and 27:1-4 is shown below.

Reference in section 27:1-3, that the Commissioner "shall be the head of the State Highway Department;" and reference in section 27:1-4, that the Commissioner "will carefully preserve all records, papers, writings and property intrusted to him," have been integrated in a suggested new section on page 32.

ADMINISTRATION

Present New Jersey Law

27:1-16.2 Deputy State Highway Commissioner; powers and duties

The State Highway Commissioner may designate as Deputy State Highway Commissioner one of the officers of the State Highway Department. Such designation shall be in writing and shall be filed with the Secretary of State. The Deputy State Highway Commissioner so designated shall, during the absence or inability to act, through sickness or other cause, of the State Highway Commissioner, have the same powers and perform all the duties which are conferred and imposed by law upon the State Highway Commissioner until the State Highway Commissioner shall return to duty. Any such designation may be revoked at any time by the State Highway Commissioner and a new designation made in writing similarly filed.

Comment

No change suggested.

27:1-14. State highway engineer; appointment, term, compensation and bond

The commissioner shall appoint as State highway engineer a qualified and competent engineer who has had actual experience in road and bridge construction and maintenance. Such State highway engineer shall, unless sooner removed by the commissioner in accordance with the provisions of section 27:1-16 of the Revised Statutes, serve during the continuance in office of the State Highway Commissioner appointing him and until the State highway engineer's successor is appointed and has qualified, and shall devote his entire time and attention to the duties of his office. He shall receive such salary as shall be provided by law. He shall furnish a bond to the State in the sum of ten thousand dollars ($10,000.00) conditioned for the faithful performance of his duties.

No change suggested.

27:1-16.3 State Highway Engineer's duties where no deputy is designated

If at any time there is no such designation in effect and on file with the Secretary of State, then the State Highway Engineer in the State Highway Department shall, during the absence or inability to act through sickness or other cause of the State Highway Commissioner, have the same powers and perform all the duties which are conferred and imposed by law upon the State Highway Commissioner until the State Highway Commissioner shall return to duty or make and file a designation as hereinabove authorized.

No change suggested.

27:1-15. Assistant state highway engineer; appointment, term, compensation and bond

The commissioner shall appoint an assistant State highway engineer, whose qualifications shall be the same as those prescribed for the State highway engineer. He shall receive such salary as shall be provided by law. He shall, unless sooner removed by the commissioner in accordance with the provisions of section 27:1-16 of the Revised Statutes, serve during the continuance in office of the State Highway Commissioner appointing him and until the assistant State highway engineer's successor is appointed and has qualified, and shall furnish a bond to the State in the sum of five thousand dollars ($5,000.00) conditioned for the faithful performance of his duties.

No change suggested.

ADMINISTRATION

Present New Jersey Law	Comment
27:1-16. Removal of engineer or assistant engineer; vacancies The commissioner may remove the State highway engineer or the assistant State highway engineer for cause, upon notice and opportunity to be heard. Any vacancy occurring in the office of State highway engineer or assistant State highway engineer shall be filled in the same manner as the original appointment.	No change suggested.
27:1-17. Assistants and employees; duties; civil service The commissioner may appoint such heads of divisions and clerical, technical and other assistants as he may deem necessary, fix their compensation and prescribe their duties, subject to the provisions of appropriations. All such appointments shall be made subject to the provisions of Title 11, Civil Service.	No change suggested.
27:1-18. Employees in the unclassified civil service The commissioner may terminate the employment of all employees of the department holding positions or employments under the unclassified civil service and, if he deems it advisable, may abolish any such position or employment.	No change suggested.
27:1-19. Employees in the classified civil service Nothing in this chapter shall be construed to affect employees of the department holding positions or employments under the classified civil service.	No change suggested.
27:1-20. Commissioner and certain employees commissioned as peace officers; duties The commissioner, and such of the employees of the department as shall be designated by the commissioner, in writing, filed with the secretary of state as a public record, shall in addition to their other duties, be peace officers charged with the enforcement of the provisions of subtitle 1 of Title 39, Motor Vehicles and Traffic Regulation (§ 39:1-1 et seq.), and have in general the same powers and authority as are vested in motor vehicle inspectors and other officers by virtue of the provisions of said subtitle 1 of said Title Motor Vehicles and Traffic Regulation (§ 39:1-1 et seq.) and the persons so designated shall be duly commissioned by the secretary of state.	No change suggested.

ADMINISTRATION

Present New Jersey Law

27:1-7. Commissioner head of department; full time required

The commissioner shall be the administrative and executive head of the department. He shall devote full time to the duties of his office. He shall co-ordinate the activities of the department.

(Example of consolidation)

Commissioner Head of Department

The commissioner shall have full control, management, supervision, administration and direction of the department and shall perform such other duties as may be prescribed by law. All powers and duties which heretofore were, or which hereinafter may be, conferred on the department shall be exercised solely by and through the commissioner who shall devote full time to the duties of his office.

27:1-8. Reorganization of department; divisions established; rules and regulations

The commissioner shall reorganize the department and establish therein such divisions as he may deem necessary and expedient. He may formulate and adopt rules and regulations and prescribe duties for the efficient conduct of the business, work and general administration of the department, its officers and employees.

27:1-6. Reference in prior statutes to predecessors; construction; signing of papers

In all statutes where reference is made to the state commissioner of public roads, the state highway commission, or the highway commission, such reference shall be construed to mean and shall refer to the state highway commissioner. The signature of the commissioner, or, in his absence or disability, the signature of any person designated by him, to any order, regulation, contract, bill or other paper or document required to be signed on behalf of him or the department shall be sufficient evidence of the authority and authenticity thereof.

Comment

In supporting the statement on page 15, example of consolidating sections 27:1-2, 27:1-3, 27:1-4, 27:1-5 and 27:1-7, relating to the powers and duties vested in the Commissioner and the Department, is shown herein. (For additional comments on the above sections, see pages 28, 29 and 39.)

No change suggested.

No change suggested.

ADMINISTRATION

Present New Jersey Law	Comment
27:1-7.1. Stated public meetings; minutes The commissioner shall hold not less than twelve stated meetings each year, which, together with the minutes thereof, shall be open to the public.	No change suggested.
27:1-13. Road maps prepared The commissioner shall from time to time cause to be prepared a road map or plan of the state showing thereon the state highways and county roads.	No change suggested.
27:1-10. Accounts and audits The commissioner shall provide for the proper auditing of all accounts and moneys received or expended, and of labor performed or materials used in road work, and for the collection and tabulation of such statistics as may be necessary or proper for the use of the department in carrying out the provisions of law.	No change suggested.
27:1-11. Fiscal year The fiscal year of the department shall begin on July first and end on June thirtieth of the next year. At the end of each fiscal year the commissioner shall make to the State Comptroller a full financial report showing the available unexpended balances in the several accounts, and all outstanding liabilities under contracts or other financial obligations to counties, municipalities and persons.	No change suggested.
27:7-11. State highways maintained and repaired by commissioner The commissioner shall take charge of all work on state highways and maintain them in good order. All work of improvement, betterment, reconstruction, or resurfacing shall be done in accordance with plans and specifications prepared by the department. All work of maintenance, repair and extraordinary repair shall be done at the expense of the state and may be done either as an independent contractor or employer or through contracts made in the name of the state.	No change suggested.

ADMINISTRATION

Present New Jersey Law	Comment
27:7-18. Powers of commissioner over state highways; exceptions in certain cities In the improvement, betterment, repair and maintenance of highways, forming a part of the state highway system, the commissioner shall possess and exercise, in addition to those conferred by this title, all the rights and powers, not incompatible with his functions nor prohibited by law, exercised by overseers of roads and boards of chosen freeholders in road construction, repair and maintenance. except that when a state highway shall run through a city having a population of seventy-five thousand or more, over streets or roads formerly under the jurisdiction of the city, the city shall retain in those streets or roads all its former jurisdiction and rights as to the construction and regulation of the use of all water, sewer, gas and other subsoil conduits and structures.	No change suggested.
27:5B-1. Acquisition, construction, maintenance, repair or operation of projects The State Highway Commissioner may, under contract with any Authority in the State Highway Department, undertake and perform any acts in connection with the acquisition, construction, reconstruction, maintenance, repair or operation of any project or projects of such Authority, at the sole expense of such Authority.	No change suggested.
27:7-19. Co-operation by other bodies in highway work; agreements; cost apportioned The commissioner may enter into written agreement with any board of chosen freeholders or other public body, or with any person for co-operation in any work, and to assume any portion of the cost thereof." Such board or public body may raise its proportionate share of the cost in accordance with the provisions of any law providing for road improvement or maintenance. Upon approval by the commissioner of the certificate of the inspector and engineer in charge of the work that it has been satisfactorily completed in whole or in part, according to contract, drawings and specifications, the disbursing officer of such board or body shall pay its share of the whole or partial cost to the state treasurer to the credit of the commissioner.	No change suggested.

Present New Jersey Law	Comment
27:7-19.1. Claims against county, municipality or corporation; compromise and settlement Whenever it shall appear to the State Highway Commissioner after reasonable investigation that any claim of the State against a county, municipality or corporation arising out of the obligation of a county, municipality or corporation to contribute toward the laying out, construction, maintenance or repair of a State highway, bridge, or any part thereof, is disputed, either in whole or in part, by reason of alleged set-offs, either legal or equitable, or by reason of disputed questions of fact or law, or both, and that the enforcement of any such claim would necessitate litigation, and that the best interests of the State will be served by the composition, adjustment or settlement of any such claim, the State Highway Commissioner shall present the matter to the State House Commission, and the said State House Commission is hereby authorized to permit the State Highway Commissioner to settle, compromise and adjust any such claim or claims, including any set-offs, legal or equitable, with respect thereto, upon such terms as said State House Commission shall deem reasonable and proper under all of the circumstances in any particular case; providing, however, that under no circumstance shall the State House Commission require any payment to be made on behalf of the State, nor is the State Highway Commissioner or other proper officer of the State permitted to make any payment to any county, municipality or corporation by reason of this act.	No change suggested.
27:7-19.2. Execution of agreement for settlement and compromise; compliance within eighteen months When the State House Commission shall direct the State Highway Commissioner to settle, compromise and adjust any such claim or claims, the settlement shall be evidenced by an agreement executed by the State Highway Commissioner and such county, municipality or corporation, and such agreement shall be binding upon all of the parties thereto upon its execution, delivery and the making of the payment or payments required; provided, however, that such settlement and agreement shall be void unless the terms thereof are complied with within eighteen months after the delivery of such agreement.	No change suggested.

ADMINISTRATION

Present New Jersey Law

(Example of curb opening control)

Permits; Driveway Opening

No abutting property owner shall construct a driveway opening to any highway without first obtaining a permit from the Commissioner. All applications for permits must be accompanied by drawings and specifications and when approved such construction shall not deviate from such approved drawings and specifications.

Same; Rules and Regulations

The Commissioner shall promulgate reasonable rules, regulations and specifications relating to standard driveway openings, and shall have authority, in his discretion, to make deviations relating to standard openings when the best interest of the property owner and the State will be served.

Same; Existing Openings Subject to Authority

All existing openings and all openings constructed pursuant to issuance of a permit shall be subject to the Commissioner's authority who may require all such openings to be made to conform, or to be relocated, at the department's expense, when in his discretion, it is reasonably required for public safety or because of highway reconstruction or changed traffic conditions.

Comment

In supporting the statement on page 17, it will be necessary for the legislature to enact new legislation. A suggested example of such legislation is made for convenience only.

ADMINISTRATION

Present New Jersey Law

Comment

27:7-21. Additional powers of commissioner

In addition to, and not in limitation of, its general powers, the commissioner may:

Rules and regulations. a. Determine and adopt rules, regulations and specifications and enter into contracts covering all matters and things incident to the acquisition, improvement, betterment, construction, reconstruction, maintenance and repair of state highways;

Highway maintenance. b. Execute and perform as an independent contractor or through contracts made in the name of the state, all work incident to the maintenance and repair of state highways;

Patrols. c. Establish and maintain as an independent contractor or employer a patrol repair system for the proper and efficient maintenance and repair of state highways;

Workmen and materials. d. Employ and discharge, subject to the provisions of the civil service law, all foremen and laborers, prescribe their qualifications and furnish all equipment, tools and material necessary for such patrol repair system;

Improve roads. e. Widen, straighten and regrade state highways;

Vacate highways. f. Vacate any state highway or part thereof; and

Necessary powers. g. Do whatever may be necessary or desirable to effectuate the purposes of this title.

Historical Note

Source. L.1927, c. 319, § 111, p. 725, as am. by L.1929, c. 221, § 1, p. 413.

No change suggested.

27:7-21.1 Construction of state highway which results in destruction of well used for potable water supply

Whenever the construction of a State highway shall result in the destruction of a well used for potable water supply upon private property, which well gave an adequate and satisfactory supply of water prior to the construction of the said State highway, and whenever the State Highway Engineer shall determine that the construction of the said State highway was the sole cause of the destruction of the well and that it is necessary to construct a new well and shall evidence such determination by a proper certificate so stating, the State Highway Commissioner, in order to relieve the owner of a serious hardship, is authorized to pay such part of the cost of constructing a new well as, in the opinion of the State Highway Commissioner, the principles of right and justice may require. The State Highway Commissioner is authorized to make such payment only in the event that a new well is actually constructed and under no circumstance shall he authorize any payment in excess of the actual cost of constructing the new well. Any funds heretofore or hereafter appropriated to the State Highway Department for the purpose of acquiring right of way may be used to make payments under this act. When several wells have been destroyed by the same State highway construction and the State Highway Commissioner deems it to be in the best interests of the State, the State Highway Commissioner is authorized to enter into a contract or contracts for the purpose of actually constructing new wells for the property owners affected. Chapter thirty-four of Title 52 of the Revised Statutes shall apply to any contracts which may be let for the construction of any well under this act. The judgment of the State Highway Commissioner on the question of whether or not any compensation shall be made under this act shall be final.

No change suggested.

ADMINISTRATION

Present New Jersey Law	Comment
27:7-21.2 Application of act Nothing contained in this act shall be construed to apply to any case where a part of the lands of a property owner upon which a well is located has been taken for the construction of the State highway which is claimed to be responsible for the damage. Nothing contained in this act shall be construed to apply to any well that does not go dry within three months from the date of the excavation alleged to have caused the damage, or to any well located more than three hundred feet from the right of way line of the State highway in question, or to any well that was not in existence at the time that the contract was let for the construction of the State highway in question. The State Highway Commissioner is not empowered to make payment on any claim that is predicated upon the destruction of any well or wells prior to January first, one thousand nine hundred and forty-one.	No change suggested.
27:7-53. Roads on state property; supervision by commissioner All roads and driveways on land owned by the state shall be constructed under the supervision of the commissioner, and all improvements to roads and driveways already constructed on land owned by the state shall be made under the supervision of the commissioner, who shall prepare all necessary plans and specifications and advertise for bids for the work.	No change suggested.
27:7-54. Cost of work; payment All payments for such roads and driveways, and improvements to existing roads and driveways on lands owned by the state, shall be paid out of appropriations made to the commissioner for that purpose. Nothing in this section or section 27:7-53 of this title shall be construed to prevent the inmates and employees of any public institution from being employed on repairs and improvements of roads used in connection with the institution.	No change suggested.
27:7-55. Improved roads for state institutions The body having charge of any state institution may construct or improve any portion of a public road lying between an improved road located on the lands of the state, occupied by the institution, and the improved public road nearest to such institution, if and when an appropriation shall be made therefor.	No change suggested.
27:7-56. Jurisdiction of commissioner The plans and specifications for any such road shall be approved by the state highway commissioner and the road shall be constructed or improved under the direction and supervision of the commissioner as provided by law.	No change suggested.
27:7-57. Use of highway funds for roads on state property Any moneys appropriated to the state highway department for construction and maintenance of roads may be expended by it for roads on grounds under the control of the department of institutions and agencies or of the state board of education or for state parkways, or roads in state reservations, or at the state camp at Sea Girt.	No change suggested.

ADMINISTRATION

Present New Jersey Law

27:5A-1. Military reservations, roads in; supervision

Whenever any public road or highway is located wholly or in part within the limits of a United States military reservation, the United States military authorities shall have the power, within the limits of such reservations, to police such roads and highways, to regulate traffic thereon, and to exercise such supervisory powers over such roads and highways as they may deem necessary to protect life and property on such military reservations.

27:5A-2. Power to continue until terminated by Governor

The power hereby conferred upon and granted to any United States military authority shall continue in full force and effect until the same shall be terminated by proclamation of the Governor of this State.

Comment

Have sections 27:5A-1 and 27:5A-2 been terminated by proclamation of the Governor? If not, no change suggested.

27:1-16.1 Incumbents to hold office for unexpired terms

The persons in office as State highway engineer and assistant State highway engineer, respectively, on the thirtieth day of June, one thousand nine hundred and forty-eight, shall continue to hold their offices for the period of their respective terms which remains unexpired on the effective date of this act[1] and until their respective successors are appointed and have qualified.

The purpose and intent of section 27:1-16.1 has long since been accomplished and should be repealed.

27:1-5. Powers and duties; commissioner supersedes predecessors

The commissioner shall succeed to and exercise all the powers and perform all the duties exercised or performed by the state highway department and the state highway commission, or either of them, as constituted prior to April twenty-ninth, one thousand nine hundred and thirty-five, by virtue of any then existing law or laws.

Section 27:1-5 should be repealed since the State Highway Department is continued and all the authority is vested in the Commissioner. (See example of suggested new consolidated section on page 32.

27:1-9. Records, funds and property; contracts of state highway commission binding

All books, papers, documents and other records, and all property whatsoever, transferred and delivered to the commissioner, by virtue of section seven of an act entitled "An act to establish the office of state highway commissioner and to define the powers and duties thereof, and to vest therein all the powers and duties now devolved by law upon the state highway department and the state highway commission," approved April twenty-ninth, one thousand nine hundred and thirty-five, shall remain in his custody. All unexpended balances of funds and appropriations transferred to the commissioner by virtue of said section seven of said act shall be expended, pursuant to law, under the direction of the commissioner. All contracts executed by the state highway commission as an independent contractor shall inure to the benefit of and be binding upon the commissioner.

Section 27:1-9 should be repealed for the same reason as stated above. (See example of suggested new consolidated section on page 32.)

ADMINISTRATION

Present New Jersey Law	Comment
27:1-1.1 Short title This act[1] shall be known as, and may be cited as, the "State Highway Department Act of 1948."	Suggest section 27:1-1.1 be repealed since new Act will have a new title.
27:1-1.2 Effective date This act[1] shall take effect on the first day of July, one thousand nine hundred and forty-eight, except that any appointment, and any confirmation of any appointment, permitted by this act may be made prior to such date.	Suggest section 27:1-1.2 be repealed since new Act will have a new effective date.

ADMINISTRATION

Traffic Regulation	Comment
The following sections of Title 39, Chapter 4, relate to the authority and control over vehicular and pedestrian traffic, as well as, the specifications and regulations of traffic control devices (signs, signals and markings):	
39:4-6 Director's duties 39:4-8 Traffic ordinances or resolutions of local authorities; approval by director 39:4-60 Soliciting trade or contributions; designation of particular highway as hazardous for such purposes; signs 39:4-85.1 One way traffic, designation of highways for; signs 39:4-86 Overtaking and passing vehicles; crossing "No Passing" lines 39:4-94.1 Limited-access highways; prohibition of use by certain traffic, public hearing 39:4-98 Rates of speed 39:4-107 Period or cycle 39:4-108 Semaphores 39:4-116 Special right or left turn 39:4-117 Special pedestrian interval 39:4-120 Director to determine signals; uniform system 39:4-121 Traffic lights on state roads in suburban districts at location of fire engine houses; installation by state highway commission 39:4-121.1 Dangerous intersections in counties or municipalities; traffic lights 39:4-138.1 "No Parking" zones on highways 39:4-140 Designation of through streets 39:4-143 Intersecting through streets	On page 23 of the study "Basic Problems of New Jersey" two recommendations are made: (1) To vest the Commissioner of Highways with complete control and authority to establish traffic regulations on the State Highway System without the required approval by any other State agency. (2) To require the Commissioner to prepare and publish a manual on traffic control devices for use by all jurisdictions, and to remove design specifications of such devices now incorporated in the law. To carry out these recommendations it will be necessary to amend, repeal or revise the several sections under Chapter 4, Title 39, particularly those sections which are listed herein. For additional comment

Traffic Regulations (con'd.)	Comment
39:4-183.4 Prohibited signs deemed a nuisance; action for removal	see page 10 - 12, herein.
39:4-183.6 Director to determine signs	
39:4-183.7 Shape and color	
39:4-183.8 Materials	
39:4-183.9 Dimensions	
39:4-183.10 Message; wording and symbols	
39:4-183.11 Illumination; reflectorization	
39:4-183.12 Location	
39:4-183.13 Lateral distance from pavement or roadway	
39:4-183.14 Height	
39:4-183.16 Stop signs; yield right of way signs	
39:4-183.17 Other regulatory signs	
39:4-183.18 One-way sign	
39:4-183.19 Standard warning signs	
39:4-183.21 Railroad advance warning sign	
39:4-183.22 Railroad crossing sign	
39:4-183.22a Construction warning signs	
39:4-183.23 Designation signs	
39:4-183.24 Location and information signs	
39:4-183.26 Guide signs	
39:4-191.1 Legal authority; uniformity	
39:4-191.2 Types of markings	
39:4-191.3 Materials	
39:4-191.4 Colors	
39:4-191.5 Types of striping	
39:4-191.6 Illumination and reflectorization	
39:4-191.7 Word markings limited	
39:4-196.3 Location, design and protection	
39:4-197 Ordinance or resolution on matters covered by chapter	
39:4-201.1 "No-passing" zones; notice	
39:4-202 Approval of resolutions, ordinances or regulations by director	

ADMINISTRATION

Personnel

11:10–6. Appointees from employment list; number certified; selection

The appointing authority shall, in the selection of appointees from an employment list, be entitled to a certification of the names of three eligibles willing to accept appointment for each vacancy as provided by section 11:10–1 of this title, and may select any one of such eligibles whom he considers best qualified to fill the vacancy in question.

Historical Note

Source. L.1930, c. 176, § 24, p. 620, suppl. to L.1908, c. 156, p. 235.

Notes of Decisions

1. Construction and application

Refusal of state tax commissioner to appoint No. 1 on eligible list certified by Civil Service Commission, to office of district supervisor of transfer inheritance tax bureau, for lack of necessary business capacity, and appointment of No. 2 on eligible list held not abuse of discretion. McGlinchey v. Martin, 170 A. 848, 12 N.J.Misc. 188.

Comment

Supporting the statements made on page 23 of "Basic Highway Problems of New Jersey," and on page 7 herein, it is strongly urged that the Legislature amend section 11:10-6 by granting the Commissioner sufficient authority to select anyone on the civil service employment list without any restrictions.

Note:

This section is placed here for convenience and information only and is not an indication that it become part of the highway law, but should be retained in the Civil Service Act in its amended form as suggested above.

STATE HIGHWAY SYSTEM

Present New Jersey Law

27:6-1. State highway routes set forth

The state highway system shall consist of the following routes:

Source. L.1927, c. 319, § 1, p. 712.

ROUTE NO. 1, S-1, AND S-1-A. Alpine to Bayonne. Beginning at the New York state line on state highway route heretofore designated as Route No. 18—north in Alpine and terminating in Bayonne, by way of Alpine, Tenafly, Fort Lee and Ridgefield, in Bergen county, North Bergen, Jersey City and Bayonne, in Hudson county. S-1, a spur from Route No. 1 in the vicinity of Fort Lee, running in a southerly direction through Ridgefield and Fairview, connecting with the Hudson county boulevard in North Bergen. S-1-A, beginning on Route No. 1 in the vicinity of Fort Lee and running in a southerly direction through Fort Lee on Lemoine and Palisade avenues and connecting with state highway Route No. 5.

Source. L.1927, c. 319, § 2, p. 712, as am. by L.1929, c. 126, § 1, p. 215.

ROUTE NO. 2. Hohokus township to North Arlington. Beginning in the state boundary line between New York and New Jersey at a point near Suffern, New York, passing through the vicinity of Ridgewood, Hasbrouck Heights, Rutherford, Lyndhurst and North Arlington, and terminating on Route No. 7 in the borough of North Arlington.

Source. L.1927, c. 319, § 3, p. 712, as am. by L.1929, c. 126, § 2, p. 215.

ROUTE NO. 2-N beginning at Route No. 2 in the township of Lyndhurst, Bergen county and running westerly along Kingsland avenue and along Park avenue in the town of Nutley, Essex county, and ending at Union avenue in the town of Nutley. Added L. 1938, c. 269, p. 590, § 1.

Approved May 25, 1938. Effective May 25, 1938.

ROUTE NO. 3 AND S-3. Beginning in the vicinity of Hawthorne and Paterson, passing through Garfield, Wallington, East Rutherford and Secaucus, terminating on Route No. 1 in Secaucus. S-3, beginning on Route No. 3 in East Rutherford, extending westerly and connecting with Route No. 2 in Rutherford, still in a westerly direction in the vicinity of Clifton and connecting with Route No. 6.

ROUTE NO. 3. Beginning in Secaucus and ending at the intersection of the Paterson-Plank Road in the borough of East Rutherford, and beginning again at Route No. 6 in the city of Paterson and ending at the intersection of Route S-4B in either Hawthorne or Glen Rock. As amended L.1949, c. 292, p. 892, § 1.

Effective May 28, 1949.

Comment

Supporting the statements on page 14, Basic Problems of New Jersey and on page 18, herein, it is suggested that this section be amended to include only those routes that are designated in the final plan to be a part of the State Highway System.

STATE HIGHWAY SYSTEM

Present New Jersey Law

Source. L.1927, c. 319, § 4, p. 712, as am. by L.1929, c. 126, § 3, p. 216.

ROUTE NO. 4, S-4, S-4-A, S-4-B AND S-4-C. Hudson river bridge plaza to Perth Amboy and Cape May. Beginning at the Hudson river bridge plaza and extending to Cape May City, via Riverside, Fairlawn, Paterson, Clifton, Bloomfield road, and Broad street via Bloomfield, East Orange, Irvington, Roselle, to Route No. 27 in Linden, Rahway, Woodbridge, Perth Amboy, South Amboy, via Main street and its extensions to Rose's Corner, Cheesquake, to a point at or near White Brown's Corner, thence to Middlesex road in the borough of Matawan, thence via Middlesex road to Main street, Matawan, thence via Freehold, Lakewood, Toms River, Tuckerton, Absecon, thence by New road to Somers' Point, Beesley's Point to Cape May. S-4, extending from the proposed plaza of the Staten Island bridge at Perth Amboy to Route No. 4. S-4-A, extending from Route No. 4 at or near Tuckerton and extending to a point on Little Beach; provided, however, the county of Atlantic shall first agree to construct a suitable continuation of said road from Little Beach to the city of Atlantic City. S-4-B, beginning on Route No. 4 in the borough of Fairlawn, extending northwesterly in the vicinity of Paterson, Hawthorne, Wyckoff, Franklin Lakes, Ringwood, West Milford and terminating at the New York state line. S-4-C, extending from Route 4 at Bennett Station, via Broadway in West Cape May, to Sunset boulevard, to the Delaware bay.

ROUTE NO. 4.

Section 1 of L.1953, c. 86, p. 1012, provides as follows: "All that portion of State Highway Route No. 4 lying within the City of Englewood and the township of Teaneck, in the county of Bergen, is hereby designated as a freeway as defined in chapter eighty-three of the laws of one thousand nine hundred and forty-five."

ROUTE NO. S-4-A EXTENSION. Beginning at the southerly terminus of Route S-4-A on Little Beach and from thence to the city of Brigantine. Added L.1938, c. 341, p. 852, § 1.

Approved June 14, 1938. Effective June 14, 1938.

ROUTE NO. S-4-D.

The following route which shall be an extension of State Highway Route No. 4, shall commence at Route No. 4 in Teaneck township at Teaneck road and run generally in a northerly direction to a road known as Liberty road, in the township of Teaneck, being the location of a State Armory, township of Teaneck, Bergen county, New Jersey, and to be known as S-4-D. Added L.1938, c. 134, p. 286, § 1.

Approved May 5, 1938. Effective May 5, 1938.

ROUTE NO. S-4-D. The following route which shall be an extension of State Highway Route No. 4, shall commence at Route No. 4 in Teaneck township at Teaneck road and run generally in a northerly direction to a road known as Liberty road, in the township of Teaneck, being the location of a State Armory, township of Teaneck, Bergen county, New Jersey, and to be known as S-4-d. As amended L.1941, c. 263, p. 696, § 1.

Approved and effective July 10, 1941.

Comment

See comment on page 44.

STATE HIGHWAY SYSTEM

Present New Jersey Law

Comment

ROUTE NO. 5 AND S-5. Ridgefield to Edgewater. Beginning at Ridgefield and terminating at the Ferry plaza in Edgewater with a spur connecting Route No. 5 with Route No. 1 in Ridgefield and Fairview.

Source. L.1927, c. 319, § 6, p. 713, as am. by L.1929, c. 126, § 5, p. 216.

See comment on page 44.

ROUTE NO. 6 AND S-6. Hudson river bridge plaza to Delaware. Beginning at the Hudson river bridge plaza by way of Palisades Park, Ridgefield Park, Little Ferry, Hasbrouck Heights, Paterson, Caldwell, Dover, Netcong, Hackettstown, Buttzville and Delaware. S-6, beginning in the city of Paterson, extending in a southwesterly direction by way of Totowa, Little Falls Station on D. L. and W. railroad, and connecting with Route No. 6 in the vicinity of Caldwell township.

ROUTE NO. 6.

Section 1 of L.1952, c. 42, p. 134, provides as follows: "All that portion of State highway Route 6 to be constructed on new location from the vicinity of Denville to the vicinity of Netcong in Mount Olive township is hereby designated as a freeway as defined in chapter eighty-three of the laws of one thousand nine hundred and forty-five."

ROUTE NO. 6A. Beginning at a point on Route No. 6 in Dover, Morris county, thence passing through the vicinity of Berkshire Valley, Hurdtown, Woodport and Sparta, connecting with Route No. S31 at Ross' Corner at Lafayette. Added L.1938, c. 47, p. 125, § 1.

Approved March 30, 1938, Effective March 30, 1938.

ROUTE NO. 7. Beginning on Route No. 25 in Jersey City, running northwesterly through Kearny, North Arlington, crossing the Passaic river in the vicinity of Belleville and connecting with Route No. 9 and continuing northerly along the west bank of the Passaic river in Nutley, intersecting Route S-3 in the vicinity of Clifton, still in a northerly direction on the east side of the Passaic river through Rutherford and East Rutherford, intersecting Route No. 3 in Wallington.

Source. L.1927, c. 319, § 8, p. 714, as am. by L.1929, c. 126, § 7, p. 217.

ROUTE NO. 8. Delaware to Newton. Beginning at a point in Route No. 6 in or near the town of Delaware and running thence in a northerly direction passing through the vicinity of Columbia and Hainesburg through Blairstown and ending in Newton at Route No. 31.

Source. L.1927, c. 319, § 9, p. 714.

ROUTE NO. 9. Belleville to Pine Brook bridge by way of Belleville, Bloomfield, Montclair, Verona and Caldwell to Pine Brook bridge.

STATE HIGHWAY SYSTEM

Present New Jersey Law

ROUTE NO. 10. Jersey City to Ledgewood by way of Jersey City and Kearny, crossing the Passaic river at Kearny, thence by way of Newark, Belleville, Bloomfield, Glen Ridge, Montclair, West Orange and a line roughly conforming to and in the general direction of the present boundary between the Borough of Roseland and the Township of Livingston, into Morris county, and thence by way of Hanover, Whippany and Littleton in a generally westerly direction to connect with Route No. 6 at or near Ledgewood with a spur commencing in the vicinity of Orange Road in Montclair, and thence generally in a southerly direction through the City of Orange and the City of East Orange in the vicinity of the boundary line between said cities connecting with the route established by section three of this act in the vicinity of Oakwood Avenue in the City of Orange. As amended L.1952, c. 289, p. 976, § 1.

Effective May 23, 1952.
Section 2 of L.1952, c. 289, provided that State Highway Route No. 10 is designated as a freeway as defined in L.1945, c. 83.

Sources. L.1927, c. 319, § 11, p. 714, as am. by L.1929, c. 126, § 8, p. 217. L. 1930, c. 258, § 1, p. 1090, as am. by L.1931, c. 332, § 1, p. 820, suppl. to L. 1917, c. 319, p. 712. L.1930, c. 258, § 2, p. 1090, suppl. to L.1917, c. 319, p. 712.

American Legion Memorial Highway. Joint Resolution No. 3, of the 160th Legislature, L.1936, p. 844, designated Route No. 10 as the American Legion Memorial Highway.

Wittpenn Bridge. Joint Resolution No. 5, of the 156th Legislature, L.1932, p. 613, authorized the State Highway Commission to designate the bridge over the Hackensack river between Kearny and Jersey City, on Route No. 10 as the Wittpenn Bridge.

ROUTE NO. 11. White House to Warrenville, and thence to Route No. 29. Beginning in Route No. 28, near White House thence via Pluckemin, Martinsville and Warrenville to such point in Route No. 29 as the highway commissioner may determine.

Source. L.1927, c. 319, § 12, p. 714.

ROUTE NO. 12. Frenchtown to Raritan. Beginning in Frenchtown, thence via Baptisttown, Croton, Flemington, Three Bridges, Centreville, to a point at or near Raritan extending to and joining into Route No. 28.

Source. L.1927, c. 319, § 13, p. 714, as am. by L.1929, c. 126, § 9, p. 217.

OCEAN COUNTY ROUTE 13-E. Beginning at highway Route 37 at Bay Head and continuing one and seventy-six one-hundredth (1.76) miles to the Beaver Dam road, in the boroughs of Point Pleasant and Bay Head, county of Ocean, and to include the Lovelandtown bridge across the Manasquan canal now under the jurisdiction of the Board of Commerce and Navigation, passing all right and title therein to the State Highway Commissioner. Added L. 1938, c. 238, p. 541, § 1.

Approved May 25, 1938. Effective May 25, 1938.

ROUTE NO. 18. Beginning at Old Bridge and extending from thence to Route No. 35 in the vicinity of Eatontown by way of Colt's Neck and Marlboro. As amended L.1941, c. 413, p. 1060, § 1.

Approved and effective Dec. 27, 1941.

ROUTE NO. 19. Beginning at Marshall street and Hazel road to Piaget avenue, thence through the proposed extension of Hazel road and Paulison avenue to Clifton avenue, thence along Paulison avenue to River road, thence along River road to the Essex county line, thence continuing through Essex county along the River road and connecting up with the road now existing at the Belleville turnpike and Mill street in Belleville, thence to Newark. Added L.1939, c. 200, p. 577, § 1.

Approved July 12, 1939. Effective July 12, 1939.

Comment

See comment on page 44.

STATE HIGHWAY SYSTEM

Present New Jersey Law

Comment

ROUTE NO. 21. Belleville to Newark. Beginning at the Belleville bridge, in Belleville, through Newark connecting with Route No. 25 in Newark.

Source. L.1927, c. 319, § 14, p. 714.

McCarter Highway. Joint Resolution No. 4, of the 158th Legislature, L.1934, p. 760, authorized the State Highway Commission to designate State Highway No. 21, as the McCarter Highway.

ROUTE NO. 21.

L.1952, c. 110, p. 450, provides: "State Highway Route No. 21, together with the extension thereto added to the State highway system by chapter two hundred thirty-five of the laws of one thousand nine hundred and forty-eight, is designated a freeway as defined in chapter eighty-three of the laws of one thousand nine hundred and forty-five."

See comment on page 44.

ROUTE NO. 22. Pine Brook bridge to Rahway, by way of West Caldwell, Livingston, Millburn, Springfield, in the vicinity of Garwood and to Route No. 27 in Rahway.

Source. L.1927, c. 319, § 15, p. 714.

ROUTE NO. 23. Verona to Port Jervis, New York. Beginning at a point on Route No. 9 in Verona by way of Cedar Grove, Pequannock, Oak Ridge, Franklin Furnace, Sussex and High Point.

Source. L.1927, c. 319, § 16, p. 714, as am. by L.1929, c. 126, § 10, p. 218.

ROUTE NO. 24 and S-24. Newark to Phillipsburg. Beginning in Newark by connections with Route No. 25 and with the New Jersey Turnpike, and crossing Broad Street, Newark, in the vicinity of Lincoln Park, and thence generally along the direction of and in the vicinity of Springfield Avenue by way of Irvington, Maplewood, Springfield, Morristown, Chester, Long Valley, Washington and Phillipsburg, with a spur to Hackettstown connecting Route No. 24 with Route No. 6 between these points and a spur from Springfield along Morris Avenue to Route No. 25 at Elizabeth, and with another spur commencing near Spruce Street and running in a generally northerly direction in the vicinity of Belmont Avenue and Norfolk Street in the City of Newark to connect with the route established by section three of this act. As amended L.1952, c. 289, p. 977, § 4.

Effective May 23, 1952.

Section 5 of L.1952, c. 289 provided that State Highway Route No. 24 and A-24 is designated a freeway as defined in L.1945, c. 83.

Source. L.1927, c. 319, § 17, p. 714, as am. by L.1929, c. 126, § 11, p. 218.

—, designated State Highway Route No. 24 as the "Military Order of the Purple Heart Memorial Highway" as a memorial and in commemoration of the services of the members of the Military Order of the Purple Heart.

Military Order of the Purple Heart Memorial Highway. Joint Resolution No. 10, 163rd Legislature, L.1939, p.

ROUTE NO. 24N. Starting at the intersection of Roseberry street and Route 24 at the division line between the town of Phillipsburg and Lopatcong township from thence through the town of Phillipsburg in a generally westerly direction to the Plaza of the Bushkill street bridge of the Delaware River Joint Toll Bridge Commission at the intersection of North Main street and Meadow avenue. Added L.1938, c. 85, p. 204, § 1.

Approved April 4, 1938. Effective April 4, 1938.

STATE HIGHWAY SYSTEM

Present New Jersey Law

Comment

ROUTE NO. 25 AND S-25. Jersey City to Camden via Jersey City, Kearny, via present Lincoln highway crossing the Hackensack and Passaic rivers, then by way of Newark, Elizabeth, Rahway, Woodbridge, crossing Raritan river near Weston Mills at New Brunswick, thence southerly, intersecting Cranbury turnpike near Bodines Corner, thence via Cranbury turnpike through Deans, Dayton, Cranbury, Hightstown, Bordentown, Burlington and Camden. S-25. Beginning at a point in Route No. 25 near Washington avenue, Burlington, and extending to the Burlington-Bristol bridge.

See comment on page 44.

* ROUTE NO. 25A. Beginning at a point in State Highway Route No. 25 in Jersey City and extending via Jersey City, Kearny, Harrison, across the Passaic river at or near the present Bridge street bridge between the counties of Essex and Hudson to and connecting with State Highway Route No. 21 and Clifton avenue in Newark. Added L.1945, c. 58, p. 334, § 1.
Approved and effective March 31, 1945.

ROUTE NO. 25B. Beginning on Route No. 25 of the present State highway system in the city of Newark, county of Essex, in the vicinity of the traffic circle at the Newark Municipal Airport, thence along Port street and Doremus avenue connecting with the Lincoln Highway, which is part of the present State highway system Route No. 25. Added L.1939, c. 317, p. 764, § 1.
Approved Aug. 8, 1939. Effective Aug. 8, 1939.

ROUTE NO. 26 AND S-26. Trenton to New Brunswick, via Trenton turnpike to Mile Run brook in city of New Brunswick. S-26. Beginning at a point in Route No. 26 near the southerly boundary line of city of New Brunswick and extending easterly by passing the city of New Brunswick to a point in Route No. 25.
Source. L.1927, c. 319, § 19, p. 715. Herbert Highway. See note under Route No. 25 and S-25.

ROUTE NO. 27. Newark plaza to Trenton. Beginning in the city of Newark, on Frelinghuysen avenue, in the vicinity of Astor street, by way of Frelinghuysen avenue to Elizabeth, Rahway, Metuchen, New Brunswick, Princeton and Trenton.
Source. L.1927, c. 319, § 20, p. 715.

STATE HIGHWAY SYSTEM

Present New Jersey Law

ROUTES NOS. 28 AND S-28. Elizabeth to Phillipsburg; beginning at Elizabeth-Howland Hook bridge plaza, thence by way of Bayway, South Elmora avenue and Elmora avenue to Westfield avenue, Elizabeth, with a spur beginning at the intersection of Westfield avenue and Cherry street, Elizabeth, at State Route No. 27, and extending westerly along Westfield avenue to the intersection of Westfield avenue and Elmora avenue, thence via Cranford, Westfield, Plainfield, Bound Brook, Somerville, Clinton to Phillipsburg. S-28 beginning in Route 28 where the same is intersected by Raritan avenue in the borough of Middlesex, thence via Raritan avenue in the borough of Middlesex, and the River road in the township of Piscataway to Route No. 27 in the borough of Highland Park, thence via Route No. 27 to New Brunswick, thence to Matawan by way of Weston Mills, Tanners' Corner, Oldbridge and Browntown to Route No. 4 in Matawan.

The commissioner may, as soon as he deems it expedient and practicable for the purpose of relieving traffic congestion on Routes No. 29 and No. 28, lay out and improve as part of the State highway system a road, of approximately three thousand feet in length, commencing at the intersection of a highway known as King George road with the southerly side line of present highway No. 29, located in the township of Greenbrook, Somerset county, and thence running southerly over said King George road and Green Brook road, or over said roads for as much of said distance as may be practicable, in said township of Greenbrook, Somerset county, and the borough of Middlesex, Middlesex county, and ending at State highway Route No. 28, in the borough of Middlesex, at a point known as "Mannion's Corner."

Existing highways may be made use of wherever it is convenient so to do, and the commissioner may acquire rights of way where necessary. As amended L.1938, c. 17, p. 61, § 1.

Approved March 8, 1938. Effective March 8, 1938.

Sources. L.1927, c. 319, § 21, p. 715. L.1934, c. 135, § 1, p. 366, suppl. to L.1917, c. 14, p. 25.

Amendment added provisions as to Elmora avenue and spur.

ROUTE NO. 29. Newark, Lambertville, Trenton. Beginning on Route No. 25 in the vicinity of its crossing with Peddie ditch, thence crossing the Pennsylvania railroad and Frelinghuysen avenue to Hillside, passing in the vicinity of the junction of Elizabeth avenue and the Lehigh Valley railroad, thence through the township of Union, Springfield, Mountainside, and passing in the vicinity of North Plainfield and Bound Brook, Ringoes, Lambertville, Washington Crossing and Trenton.

Source. L.1927, c. 319, § 22, p. 715.

ROUTE NO. 29A. Beginning at a point on Route No. 29 in or near Lambertville, thence as near as practicable along the Delaware river, through Stockton, Prallsville, Raven Rock, Byram, Tumble Station to connect with Route No. 12 at Frenchtown.

Said route shall be laid out and constructed as soon as practicable by the commissioner in the same manner and subject to the same procedure as other state highways. It shall be constructed from the moneys forwarded by the state tax commissioner to the state treasurer to be used by the commissioner for the construction of roads and bridges, which moneys are derived pursuant to the provisions of subtitle 6 of the title Taxation (§ 54:39-1 et seq.).

Comment

See comment on page 44.

STATE HIGHWAY SYSTEM

Present New Jersey Law

ROUTE NO. 29-B. Beginning at Frenchtown and thence by way of Milford, Spring Mills, Warren Glen and Alpha and connecting with Route No. 28 near Phillipsburg. Added L.1938, c. 183, p. 402, § 1.

Approved May 14, 1938. Effective May 14, 1938.

ROUTE NO. 30. Trenton to Buttzville, by way of Pennington, Ringoes, Flemington, Clinton, Washington and Buttzville.

Source. L.1927, c. 319, § 23, p. 716.

ROUTE NO. 31 AND S-31. Princeton to Milford, New York. Beginning in Princeton and running by way of Somerville, Bedminster, Netcong, Newton, Lafayette, Hamburg, Vernon to a point in the New York state boundary line in the vicinity of New Milford, New York. S-31, spur from Route No. 31 near Newton to the Delaware river, via Branchville, to a point opposite the town of Milford, Pennsylvania.

Source. L.1927, c. 319, § 24, p. 716.

ROUTE NO. 31A. Beginning in State highway route No. 31 in or near Princeton, and thence to a point at or near Hightstown and connecting there with State highway route No. 33 eastwardly of Hightstown. As amended L.1941, c. 105, p. 237, § 1.

Approved and effective April 30, 1941.

ROUTE NO. 32. Bedminster, Mountain View, by way of Bernardsville, Morristown, Morris Plains, Littleton, Boonton to Mountain View, terminating on Route No. 23.

Source. L.1927, c. 319, § 25, p. 716.

ROUTE NO. 33. Trenton to Asbury Park, by way of Robbinsville, Hightstown, Freehold and Asbury Park.

Source. L.1927, c. 319, § 26, p. 716.

ROUTE NO. 34. Matawan to Laurelton; beginning at the intersection of Main street and Valley drive in Matawan, thence along Valley drive through Holmdel, Vanderburgh, Colts Neck to a point near Shark River station of Central Railroad of New Jersey, thence to Allenwood, thence to Route No. 35 at Laurelton.

Source. L.1927, c. 319, § 27, p. 716.

ROUTE NO. 35. South Amboy bridge plaza to Lakewood, by way of Keyport, Eatontown, Belmar, Point Pleasant, Laurelton to Lakewood.

ROUTE NO. 36. Keyport to Highland Beach by way of Keansburg, Belford, Atlantic Highlands and Highlands to Highland Beach.

Source. L.1927, c. 319, § 29, p. 716, as am. by L.1929, c. 13, § 1, p. 31.

ROUTE NO. 36 EXT. Beginning at the present eastern terminus of Route No. 36 in Highland Beach and from thence by way of Long Branch to Route No. 35 south of Eatontown. Added L.1940, c. 95, p. 226, § 1.

Approved and effective June 17, 1940.

ROUTE NO. 37. Trenton to Point Pleasant by way of Allentown, Lakehurst, Toms River, Seaside Heights, and Point Pleasant.

Source. L.1927, c. 319, § 30, p. 717.

Comment

See comment on page 44.

Present New Jersey Law

ROUTE NO. 38. Camden to East Hampton, by way of Moorestown, Mount Holly and East Hampton, ending in Route No. 39.

Source. L.1927, c. 319, § 31, p. 717, as am. by L.1929, c. 126, § 13, p. 218.

ROUTE NO. 38 EXT. Beginning at the eastern terminus of Route No. 38 in the vicinity of Mount Holly and from thence to Route No. 4N in Wall township, passing in the vicinity of Camp Dix. Added L.1938, c. 51, p. 145, § 1.

Approved March 30, 1938. Effective March 30, 1938.

ROUTE NO. 38 EXT.

L.1953, c. 130, p. 1331, § 1, designated Route 38 Ext. as a freeway pursuant to L.1945, c. 83.

ROUTE NO. 39. Center of the Delaware river in the vicinity of the present Yardley bridge by passing Trenton through Bordentown to DaCosta. Beginning at a point in the center of the Delaware river on a new bridge to be constructed in the vicinity of the present Yardley bridge, thence to the New Jersey shore of the Delaware river, and running thence in a semicircular path around the city of Trenton, passing through the vicinity of Trenton Junction, Ewingville, Bakersville, Mercerville to Bordentown, Columbus, Vincentown, Red Lion, Indian Mills, Atsion and DaCosta.

Source. L.1927, c. 319, § 32, p. 717, as am. by L.1929, c. 126, § 14, p. 218, L.1935, c. 269, § 1, p. 875.

ROUTE No. 39.

Section 1 of L.1958, c. 83, p. —, provides as follows: "All that portion of State Highway Route No. 39 from the center of the Delaware river on a new bridge to be constructed in the vicinity of the present Yardley bridge to the vicinity of Bakersville is hereby designated as a freeway as defined in chapter 83 of the laws of 1945."

ROUTE NO. 40 AND S-40. Camden to Lakewood via Marlton, Red Lion and Lakehurst. S-40. Four Mile to Manahawken. Beginning at a point in proposed Route No. 40 in or near Four Mile, and running thence in a southeasterly direction, passing through the vicinity of Cedar Bridge and connecting with proposed Route No. 4 in or near Manahawken.

ROUTE NO. 41 AND S-41. Moorestown to Fairview. Beginning at a point in Route No. 38 in the vicinity of Moorestown and passing in the vicinity of Haddonfield and connecting with Route No. 47 at Fairview. S-41; Palmyra to Berlin. Beginning at a point at or near the proposed Palmyra-Tacony bridge, thence to Marlton to Berlin.

Source. L.1927, c. 319, § 34, p. 717, as am. by L.1929, c. 126, § 16, p. 219.

ROUTE NO. 41 AND S-41, EXTENSION.

Continuation of Route S-41 from Route 43 in Berlin borough, Camden county, to Route 42 in Folsom borough in Atlantic county through the Blue Anchor and Mays Landing roads in Camden and Atlantic counties. Added L.1938, c. 299, p. 693, § 1.

Approved June 4, 1938. Effective June 4, 1938.

Comment

See comment on page 44.

STATE HIGHWAY SYSTEM

Present New Jersey Law

Comment

ROUTE NO. 42. Camden to Route No. 48 at or near McKee City. Beginning at the intersection of the Black Horse pike with Ferry avenue in the city of Camden, thence in a southerly direction along the Black Horse pike through Mt. Ephraim, Chews Landing, Blackwood, Grenloch, thence through Williamstown, Cecil, to Route No. 48 at or near McKee City.

Source. L.1927, c. 319, § 35, p. 717, as am. by L.1929, c. 197, § 1, p. 370.

See comment on page 44.

ROUTE NO. 43. Camden to Absecon, by way of Berlin, Hammonton, Egg Harbor City to Absecon.

Source. L.1927, c. 319, § 36, p. 717.

ROUTE NO. 43.

L.1948, c. 76, p. 442, authorized the State Highway Commissioner to resume the lighting by electricity or otherwise of such parts of Route No. 43 "in Camden and Atlantic counties as may not now be lighted at night and to pay for the same out of current funds."

L.1948, c. 75, p. 441, authorized the State Highway Commissioner to construct, reconstruct and relocate Route No. 43 commonly called the White Horse Pike, between Camden, in Camden County, and Atlantic City, in Atlantic county, as a dual highway to avoid congested areas and promote a free flow of traffic.

ROUTE NO. S43—extending from Route No. 43 at Germania to Route No. 4 at Northfield. Added L.1938, c. 216, p. 511, § 1.

Approved May 25, 1938. Effective May 25, 1938.

ROUTE NO. 44 AND S-44. Westville to Penns Grove, by way of Paulsboro and Bridgeport to Penns Grove. S-44, spur extending westerly from vicinity of Bridgeport to pier of Bridgeport-Chester ferry.

Source. L.1927, c. 319, § 37, p. 717, as am. by L.1931, c. 313, § 1, p. 785.

Extension of Route No. 44 to Salem by way of Pennsville and the ferry dock at Pennsville.

Said route shall be laid out and constructed as soon as practicable by the commissioner in the same manner and subject to the same procedure as other state highways. It shall be constructed from the moneys forwarded by the state tax commissioner to the state treasurer to be used by the commissioner for the construction of roads and bridges, which moneys are derived pursuant to the provisions of subtitle 6 of the title Taxation (§ 54:39–1 et seq.).

Source. L.1934, c. 138, §§ 1, 2, p. 369, suppl. to L.1927, c. 319, p. 712.

ROUTE NO. S-44. Beginning where Kings highway intersects State highway Route 40 and extending thence southwestwardly along Kings highway through the township of Delaware and boroughs of Haddonfield, Haddon Heights, Audubon, Mt. Ephraim, Bellmawr and Brooklawn, a distance of six and one-half miles more or less to the intersection of said Kings highway with Route 45. Added L.1938, c. 374, p. 944, § 1.

Approved June 14, 1938. Effective June 14, 1938.

ROUTE NO. 44T. Beginning at the Plaza of the Gloucester county tunnel and from thence to Route No. 44 at or near Paulsboro, from thence to form a connecting link with Route No. 45, from thence to form a connecting link with Route No. 47, and from thence to form a connecting link with Route No. 41. Added L. 1938, c. 367, p. 935, § 1.

Approved June 14, 1938. Effective June 14, 1938.

STATE HIGHWAY SYSTEM

Present New Jersey Law

ADDITION TO ROUTE NO. 44T. Beginning at a point where Route No. 47 intersects Route No. 41 and from thence to form a connecting link with Route No. 42. L.1939, c. 264, p. 684, § 1.

Approved July 18, 1939. Effective July 18, 1939.

ROUTE NO. 44.

L.1949, c. 167, p. 554, §§ 1, 2, provided that those portions of State Highway Route No. 44 from the vicinity of the bridge over Woodbury creek, north of Paulsboro, to the vicinity of Raccoon creek in the county of Gloucester and from the vicinity of Penns Grove to the vicinity of Harrisonville in Salem County were thereby designated as a freeway as defined by Laws 1945, c. 83, p. 419.

ROUTE NO. 45. Camden to Salem, by way of Woodbury, Mullica Hill, Woodstown to Salem and thence to the southerly line thereof.

Source. L.1927, c. 319, § 38, p. 718.

ROUTE NO. 46. Mullica Hill to Bridgeton, by way of Upper Pittsgrove to Bridgeton.

Source. L.1927, c. 319, § 39, p. 718.

ROUTE NO. 47. Brooklawn to Tuckahoe, by way of Glassboro, Malaga and Millville.

Source. L.1927, c. 319, § 40, p. 718, as am. by L.1929, c. 126, § 17, p. 219.

ROUTE NO. 48. Commencing at the ferry in Penns Grove to Atlantic City by way of Woodstown, Elmer, Malaga, Mays Landing, Pleasantville and Atlantic City.

Source. L.1927, c. 319, § 41, p. 718.

ROUTE NO. 49 AND S-49. Salem to Oceanview, by way of Bridgeton, Millville, Port Elizabeth, Dennisville, South Dennisville to Oceanview, with a spur from South Dennisville to Rio Grande by way of Goshen connecting Route No. 49 with Route No. 4.

Source. L.1927, c. 319, § 42, p. 718.

ROUTE NO. S-49—extending from Route No. 4 at Rio Grande, via Rio Grande avenue, to Park Boulevard in Wildwood. Added L. 1938, c. 168, p. 379, § 1.

Approved May 14, 1938. Effective May 14, 1938.

ROUTE NO. 50. Egg Harbor City to Seaville, by way of Mays Landing, Oakville, Tuckahoe to Seaville.

Source. L.1927, c. 319, § 43, p. 718.

ROUTE NO. 51. Beginning at a point on Route No. 44 in or near Bridgeport and intersecting with S-44, thence passing in the vicinity of Mullica Hill, Richwood and Glassboro and connecting with Route No. 42 in or near Williamstown.

Said route shall be laid out and constructed as soon as practicable by the commissioner in the same manner and subject to the procedure provided as to other state highways. It shall be constructed from the moneys forwarded by the commissioner of motor vehicles to the treasurer of the state to be used by the state highway commissioner for the construction of roads and bridges, which moneys are derived pursuant to the provisions of chapter 39 of the title Taxation (§ 54:39–1 et seq.).

Sources. L.1937, c. 82, §§ 1, 2, pp. 209, 210, suppl. to L.1927, c. 319, p. 718.

Comment

See comment on page 44.

Present New Jersey Law

ROUTE NO. 52. Beginning at the traffic circle in the city of Somers Point, in the county of Atlantic, the intersection of the Somers Point and Ocean City highway, with the Somers Point-Mays Landing river road, thence extending along said Somers Point-Mays Landing river road through Scullville, English Creek, Catawba, Thompsontown and Gravelly Run, to the Sugar Hill bridge spanning Babcocks creek, in Mays Landing, thence across said bridge and the public park along the various courses of the extension of the Somers Point-Mays Landing river road to the intersection with Routes 48–50 near the bridge crossing the Great Egg Harbor river.

Said road and extension of road shall be improved and reconstructed as soon as practicable, and shall be reconstructed, improved, paid for and maintained, as other roads in the state highway system are now reconstructed, improved, paid for and maintained.

Sources. L.1937, c. 86, §§ 1, 2, p. 214, suppl. to L.1927, c. 319, p. 712.

As soon as practicable the commissioner shall establish a route from the Midtown tunnel in the township of Weehawken to and connecting with the Holland tunnel by way of the township of Weehawken, city of Hoboken and the city of Jersey City.

Source. L.1934, c. 116, § 1, p. 313, suppl. to L.1927, c. 319, p. 712.

ROUTE NO. 54. Starting at the intersection of the White Horse Pike and Route No. 39 from thence into Buena Vista, and following Lincoln avenue in Buena Vista township, Atlantic county, into Landis township, Cumberland county, and thence across Landis avenue to a point where Lincoln avenue intersects Main road, Landis township, Cumberland county. Added L.1938, c. 43, p. 118, § 1.

Approved March 30, 1938. Effective March 30, 1938.

ROUTE NO. 55. Beginning at the present easterly terminal of the State Highway Route 48 at the division line between the township of Egg Harbor and the city of Atlantic City at Jonathan's Thorofare and extending in a southeasterly direction along the lines of the present Pleasantville boulevard to the southeasterly end of the bridge, over Inside Thorofare, in Atlantic City, Atlantic county, New Jersey. Added L.1938, c. 83, p. 203, § 1.

Approved April 4, 1938. Effective April 4, 1938.
Another route designated by the Legislature as Route No. 55 was added by L.1938, c. 143, p. 298, see following paragraph.

ROUTE NO. 56. Beginning at the southeasterly terminal of State Route 43 at its junction with the Ocean highway, being the northwesterly terminal of the Absecon boulevard, in Absecon City, Atlantic county, New Jersey, and extending in a southeasterly direction along the lines of the present Absecon boulevard, the several courses thereof, to the southeasterly end of the bridge over Beach Thorofare in Atlantic City, Atlantic county, New Jersey. Added L.1938, c. 84, p. 203, § 1.

Approved April 4, 1938. Effective April 4, 1938.
Another route designated by the Legislature as Route No. 56 was added by L.1938, c. 177, p. 387, see following paragraph.

ROUTE NO. 56. Beginning at the traffic circle at Laurelton, in the county of Ocean, and thence to the beach highway at Mantoloking, in said county of Ocean. Added L.1938, c. 177, p. 387, § 1.

Comment

See comment on page 44.

STATE HIGHWAY SYSTEM

Present New Jersey Law

Comment

ROUTE NO. 69. Salem County Route No. 69, known as Wiley Road and designated as Federal Route U. S. 40, beginning at its intersection with the New Jersey Turnpike and running in an easterly direction to its intersection with State Highway Route No. 48, a distance of approximately 4.27 miles. Added L.1958, c. 124, p. —, § 1.

Effective July 15, 1958.

See comment on page 44.

ROUTES NO. 100 and S 100. Beginning at the George Washington bridge and from thence to Route No. 26 in North Brunswick township passing in the vicinity of Ridgefield, North Bergen, Newark, Elizabeth (east of Route No. 25) and Woodbridge; with a branch from the vicinity of Elizabeth across Newark bay to Bayonne. S-100. Beginning at a point in Route No. 100 in or near Elizabeth and connecting with Route No. 25 in or near Elizabeth. As amended L.1946, c. 57, p. 227, § 1.

Effective April 4, 1946.
Section 2 of L.1946, c. 57, p. 227, as amended by L.1947, c. 261, p. 944, § 1, provided that the routes established by L.1946, c. 57, are designated as freeways as defined in L.1945, c. 83.

ROUTE NO. 101. Beginning at Harrison avenue, in the town of Kearny, in the county of Hudson and State of New Jersey, and from thence in a general northerly direction through the meadows in the township of Lyndhurst, the borough of Rutherford, the borough of East Rutherford, the borough of Carlstadt, between Moonachie road and the Hackensack river, thence northerly through the borough of Little Ferry to the city of Hackensack, east of Hudson street, thence northerly and generally parallel to the west of the Hackensack river to a connection with Route No. 4 in the city of Hackensack. As amended L.1951, c. 290, p. 1066, § 1.

Effective June 26, 1951, without approval or action by the Governor.
Section 1 of L.1951, c. 290 also provides that Route No. 101 shall be constructed as an access highway with grade separation, but otherwise in the same manner as other highways from moneys forwarded by the Director of the Division of Motor Vehicles derived pursuant to § 54:39-1 et seq.

ROUTE NO. S-101. Beginning at a connection with Route No. 4 in the city of Hackensack near the westerly bank of the Hackensack river, thence northerly and generally parallel to the Hackensack river, through the city of Hackensack and the southerly section of the borough of River Edge, crossing the Hackensack river in the vicinity of Howland avenue if extended easterly, thence northerly along the easterly side of the Hackensack river in the borough of New Milford to a point approximately one thousand feet north of River Edge road, thence crossing the Hackensack river to northeast portion of the borough of River Edge and running in a westerly direction through the northeasterly portion of borough of River Edge and to the borough of Oradell, thence westerly and parallel to and in the proximity of its southerly boundary line to the borough of Paramus, thence northerly through the borough of Paramus and the westerly portion of the borough of Oradell, thence again through the northerly part of Paramus, to the southerly portion of Washington township, thence in a northerly direction through the southerly portion of Washington township to and through the boroughs of Hillsdale, Woodcliff Lake and Park Ridge and the northerly portion of Washington township to and through the borough of Montvale to the New York State line in the vicinity of Chestnut Ridge road. Added L.1951, c. 289, p. 1064, § 1.

Effective June 26, 1951 without approval or action by the Governor.
Section 2 of L.1951, c. 289, p. 1065, designated Route No. S-101 as a parkway as defined by L.1948, c. 83 as amended but provided that passenger buses should have the right to operate thereon. It also provided that it should be laid out and constructed as soon as practicable from moneys forwarded by Director of Division of Motor Vehicles and derived pursuant to § 54:39-1 et seq.

ROUTE NO. 300. Beginning at a point on Route No. 100 in Middlesex county, and thence in a generally southerly and westerly direction through the counties of Middlesex, Monmouth or Mercer or both, Burlington, Camden, Gloucester and into the county of Salem to connection with a proposed new bridge across the Delaware river at or near Deepwater, Lower Penns Neck township, Salem county. Added L.1947, c. 259, p. 942, § 1.

Effective June 11, 1947.
Section 2 of L.1947, c. 259, p. 942, provided that the route established by c. 259 was designated as a freeway pursuant to L.1945, c. 83.

* * * * * * * * * * * *

STATE HIGHWAY SYSTEM

Present New Jersey Law

ROUTE NO. —. Beginning on Route No. 39 at Mansfield Square and from thence to Fort Dix. Added L.1941, c. 13, p. 25, § 1.

Approved and effective Feb. 24, 1941.

ROUTE NO. ..... Beginning on Route No. 1 at or near the boundary line between Bayonne and Jersey City and from thence across the Bayonne peninsula to a point where connection can be made to roads leading to Bayonne Naval Supply Base and Bayonne Naval Drydock. The route so established is hereby designated as a freeway as defined in chapter eighty-three of the laws of one thousand nine hundred and forty-five. Added L.1941, c. 32, p. 102, § 1, as amended L.1947, c. 325, p. 1049, § 1.

Effective June 20, 1947.

ROUTE NO. —. Beginning in Millville at the intersection of Broad street and Delsea drive and thence passing in the vicinity of Milmay to a point on Route 48, at or near Mays Landing. Added L.1941, c. 38, p. 110, § 1.

Approved and effective April 14, 1941.

ROUTE NO. —. Beginning in Morris Plains on State Highway Route No. 5N, and from thence to a point on Route No. 2 near the New York State line. Added L.1941, c. 55, p. 139, § 1.

Approved and effective April 28, 1941.

ROUTE NO. —. Beginning at a point in the Absecon boulevard in the city of Atlantic City between Duck thoroughfare and Newfound thoroughfare and proceeding thence in a northeasterly and easterly direction, crossing to and over Mankiller island also Mankiller bay, thence to and over Rum Point island, connecting with Atlantic County Road No. 38. Added L.1941, c. 64, p. 150, § 1.

Approved and effective April 28, 1941.

ROUTE NO. —. Beginning at a point in State Highway Route No. 4 in Somers Point, Atlantic county, New Jersey, where the same terminates at or near the Great Egg Harbor bay and river, thence across the Great Egg Harbor bay and river along the route of the presently constructed roads and bridges connecting Cape May and Atlantic counties, to and thence connecting with State Highway Route No. 4 at Beasleys Point, Upper township, Cape May county. Added L.1942, c. 64, p. 304, § 1.

Approved and effective May 2, 1942.

ROUTE NO. —. Beginning at the intersection of VanHouten avenue and Clifton avenue in the city of Clifton and from thence to connect with Route S-3. Added L.1942, c. 77, p. 319, § 1.

Approved and effective May 2, 1942.

ROUTE NO. —. Beginning at the Trenton end of the Trenton-Morrisville bridge at the foot of Bridge street and proceeding thence to Route No. 26. Added L.1943, c. 28, p. 62, § 1.

Approved and effective March 17, 1943.

The highway route established by L. 1943, c. 28, p. 62, was designated a freeway as defined in § 27:7A-1 et seq., by L.1947, c. 15, p. 64, § 1, effective March 14, 1947.

ROUTE NO. ——. Beginning at the southerly terminus of Route No. 29 at the westerly city line of Trenton, extending southeasterly through Trenton and connecting with the existing State highway system southeast of Trenton. Added L.1944, c. 37, p. 93, § 1.

Approved and effective March 10, 1944.

The highway route established by L. 1944, c. 37, p. 93 was designated as a freeway pursuant to L.1945, c. 83 by L.1953, c. 306, p. 1847, effective July 28, 1953.

ROUTE NO. ——. Beginning at Fenton's Corner on State Highway Route No. 44 in the township of Lower Penns Neck and thence connecting with State Highway Route No. 48 at Roos' Corner in the township of Upper Penns Neck. Added L.1944, c. 47, p. 103, § 1.

Approved and effective March 31, 1944.

ROUTE NO. —. Beginning at the intersection of the Absecon Boulevard and the Brigantine boulevard in the city of Atlantic City, New Jersey; thence, in and along said Brigantine boulevard across Beach thoroughfare or Inlet channel to the city of Brigantine. Added L.1945, c. 1, p. 11, § 1.

Approved and effective Jan. 22, 1945.

Comment

See comment on page 44.

STATE HIGHWAY SYSTEM

Present New Jersey Law

Comment

See comment on page 44.

ROUTE NO. —.

L.1945, c. 20, p. 60, adding an additional highway route described as "beginning at a point along the northeasterly line of State Highway Route No. 49, at approximately North Dennis, in the county of Cape May, thence in a general northeasterly direction along that said county highway known as Highway No. 17 and for the full width thereof, to a point in the southwesterly line of State Highway No. 47; excepting therefrom such extended portions of said route on highway as shown on said map running through the borough of Woodbiner," was repealed by L.1948, c. 167, p. 904, § 4, eff. June 12, 1948.

L.1946, c. 42, p. 98, § 1, adding an additional route to the State highway system described as "beginning at the approximate junction of the East and West boulevards in the township of North Bergen, in Hudson County, and running in a northerly direction by way of the boroughs of Fairview, Cliffside Park, and terminating in the borough of Fort Lee," was repealed by L.1952, c. 228, p. 774, § 1, eff. May 17, 1952.

ROUTE NO. —. Beginning at a point in State Highway Route No. 40 in the vicinity of Browning road circle, Pennsauken township, Camden county, New Jersey, and from thence by direct route to Delaware river bridge, said highway roughly paralleling State Highway Route No. 38 and Route No. 25 (entrance road) in the township of Pennsauken, and city of Camden, New Jersey. Added L.1946, c. 113, p. 541, § 1.

Effective April 18, 1946.

Section 3 of L.1946, c. 113, provided that the route established by c. 113, is designated as a freeway pursuant to Laws 1945, c. 83.

ROUTE NO. —. Extending State Highway Routes No. 44, No. 45, and No. 47 in the vicinity of Westville, Gloucester county, New Jersey, by direct route to Delaware river bridge, running through Camden county on the alignment of or roughly parallel to the alignment of Broadway in Brooklawn borough, Gloucester and Camden cities, New Jersey. Added L.1946, c. 114, p. 542, § 1.

Effective April 18, 1946.

L.1947, c. 58, p. 195, § 1, effective April 17, 1947, provides that the route established by L.1946, c. 114, is thereby designated as a freeway as defined in L.1945, c. 83.

ROUTE NO. —. Beginning on Route No. 25 (entrance road) in the vicinity of Cooper river, Camden city, New Jersey, and running thence, via the Camden business center to the Pennsylvania ferry at the foot of Market street and Federal street, Camden city. Added L.1946, c. 115, p. 543, § 1.

Effective April 18, 1946.

ROUTE NO. —. Beginning at Route No. 6 at Clifton and running in a general southerly direction via Essex county, Union township, Cranford, Clark township and Woodbridge township to Cape May; with a branch from Woodbridge township to Trenton. Added L.1946, c. 117, p. 548, § 1.

Effective April 22, 1946.

Section 2 of L.1946, c. 117, p. 548, as amended by L.1950, c. 198, p. 441, § 2 and L.1952, c. 13, p. 62, § 1, provides that the route established by c. 117 is designated as a parkway except within the boundaries of Ocean county and Cape May county where it is designated as a freeway, pursuant to chapter eighty-three of the laws of one thousand nine hundred and forty-five.

ROUTE NO. —. Beginning at the intersection of New Jersey State Highway Route No. 51 and the Woodbury-Auburn road and proceeding thence in a southeasterly direction crossing Routes Nos. 45 and 47; thence to the intersection of State Highway Route No. 42 in Monroe township in the county of Gloucester. Added L.1946, c. 128, p. 608, § 1.

ROUTE NO. —. Being all that certain county road or highway situate, lying and being in the county of Atlantic, State of New Jersey, known as the Delilah road and more particularly described as follows:

Beginning at the junction of said Delilah road with State Highway Route No. 48, near McKee City, thence in a general easterly direction along the various courses of said Delilah road and for the full width thereof to its junction with State Highway Route No. 56, known as Absecon boulevard, in the city of Absecon City, including the over-pass over said Absecon boulevard at said junction. Added L.1946, c. 139, p. 675, § 1.

ROUTE NO. —. Beginning at Scotland road in the City of Orange, in the county of Essex, and extending in a general eastwardly direction via the City of Orange, the City of East Orange and the City of Newark to connections with Raymond Boulevard and with Route No. 25A. Added L.1946, c. 176, p. 763, § 1, as amended L.1952, c. 289, p. 977, § 3.

L.1952, p. 1182, J.Res. No. 10, approved May 19, 1952, § 1 designated the route added by L.1946, c. 176 as "Essex Freeway". Section 2 thereof authorized the State Highway Commissioner to erect appropriate route and directional signals.

ROUTE NO. —. Extending State Highway Route No. 25, at or near its intersection with Westfield avenue, in the township of Pennsauken, county of Camden and State of New Jersey, by direct route to Delaware river bridge on the alignment of or roughly parallel to the alignment of Westfield avenue or Federal street in the township of Pennsauken, and City of Camden, New Jersey. Added L.1947, c. 55, p. 192, § 1.

STATE HIGHWAY SYSTEM

Present New Jersey Law

ROUTE NO. ——. Beginning at a point in the boundary line between the States of New Jersey and New York in the borough of Alpine, connecting with the proposed Palisades Interstate parkway to be built by the State of New York, and extending in a general southerly direction east of State Highway Route No. 1 to the vicinity of the George Washington bridge; with a spur extending in a general westerly direction from the main parkway to Linwood avenue, in the borough of Fort Lee on said State Highway Route No. 1. Added L.1947, c. 74, p. 442, § 1.

Effective April 21, 1947.

Section 2 of L.1947, c. 74, provided as follows: "The route hereby established is hereby designated as a parkway, as defined in chapter eighty-three of the laws of one thousand nine hundred and forty-five."

ROUTE NO. ——. Being all that remaining portion of Crown Point road, in the borough of Westville, county of Gloucester, beginning at its intersection with State Highway Route No. 47 and extending to the new construction, of Route No. 45, section 22, and Route No. 44, section 9, a distance of approximately five hundred seventy-five feet. Added L.1947, c. 260, p. 943, § 1.

Effective June 11, 1947.

ROUTE NO. ——. Beginning at the intersection of Route 25 and of the route described in chapter one hundred seventeen, laws of one thousand nine hundred and forty-six, thence continuing in a general southeasterly direction and terminating at a point on Route 35 northerly of the Raritan river, all in Woodbridge township, Middlesex county. Added L.1947, c. 328, p. 1051, § 1.

Effective June 20, 1947.

Section 2 of L.1947, c. 328, p. 1051, provided: "As the route hereby established is a necessary link of said route described in chapter one hundred seventeen, laws of one thousand nine hundred and forty-six, any moneys now or hereafter allocated to the construction of said route described in chapter one hundred seventeen, laws of one thousand nine hundred and forty-six, may be used for the construction and acquisition of right-of-way for the route hereby established."

Section 3 provided that the route established thereby is designated as a parkway as defined in L.1945, c. 83.

ROUTE NO. ——. Beginning at a point at or in the vicinity of the intersection of Route 10 and Route 6 at Ledgewood, Morris county; thence in a general northerly direction to Route 6A in the vicinity of Lafayette, Sussex county. Added L.1947, c. 329, p. 1052, § 1.

Effective June 20, 1947.

ROUTE NO. ———. Beginning at a point in State Highway Route No. 26 in the vicinity of Clarksville, in the county of Mercer, and running in a southerly direction by way of Mercerville, in the county of Mercer, and connecting with existing State Highway Route No. 37 in the vicinity of White Horse, in the county of Mercer. Added L.1948, c. 43, p. 128, § 1.

ROUTE NO. ———. Beginning at the south-easterly terminal of State Route No. 56 as fixed by chapter eighty-four of the laws of one thousand nine hundred and thirty-eight, which terminal is more definitely located by order of the State Highway Commissioner, dated March fourth, one thousand nine hundred and forty-one, as being at or near the junction of Kuehnle avenue, in Atlantic City, Atlantic county, New Jersey, and extending in a southeasterly and easterly direction along the lines of the present Absecon boulevard, the several courses thereof, to its junction with Delaware avenue at or near the intersection of Delaware and Mediterranean avenues in Atlantic City, Atlantic county, New Jersey. Added L.1948, c. 51, p. 137, § 1.

Effective April 29, 1948.

ROUTE NO. ——. Beginning on Route 49 in the vicinity of Dennisville, Cape May County, and from thence northerly, passing in the vicinity of Woodbine, to a connection with Route 47 in the vicinity of Marshallville. Added L.1948, c. 167, p. 904, § 1.

Effective June 12, 1948.

ROUTE NO. ——. Beginning at Route 29 in the city of Lambertville and running in a westerly direction to the easterly end of the Delaware river bridge in the city of Lambertville, more particularly known as Bridge street and a portion of U. S. Route 202 in the city of Lambertville. Added L.1948, c. 407, p. 1613, § 1.

Effective Sept. 15, 1948.

ROUTE NO. —— providing a spur from Route No. S-3, in the vicinity of Broad street, thence in a northeasterly direction to the westerly end of Clifton avenue in the city of Clifton, county of Passaic. Added L.1948, c. 221, p. 1054, § 1.

Effective July 16, 1948.

ROUTE NO. ——. An extension of State Highway Route No. 21 in a northerly direction, by direct route from Newark to the vicinity of Grand street and Marshall street in the city of Paterson, roughly parallel to the Passaic River. Added L.1948, c. 235, p. 1075, § 1.

Comment

See comment on page 44.

STATE HIGHWAY SYSTEM

Present New Jersey Law

Comment

ROUTE NO. —. Beginning at the north side of the trans-Bayonne freeway, and thence in a general northerly direction through the city of Jersey City, in the county of Hudson, to a point at or near the approach of the Holland Tunnel. Added L.1948, c. 451, p. 1851, § 1.

See comment on page 44.

ROUTE NO. —. Beginning at a point at or near Route No. 1 at its intersection with Route No. 25 skyway, and thence in a general northerly direction, and approximately paralleling Route No. 1 in part, to a point at or near the intersection of Route No. 100, Route No. 3, and the Lincoln Tunnel approach. Added L.1948, c. 452, p. 1852, § 1.

Effective Oct. 27, 1948.

ROUTE NO. —. Extending Route No. 7 from the intersection of said route with Route No. 3 in Wallington but direct to the intersection of Route No. 6 in East Paterson. Added L.1949, c. 175, p. 565, § 1.

ROUTE NO. ..... beginning in the vicinity of the Raritan river, thence taking a southeasterly direction passing between Fort Earle and Route 35 to a connection with Route 34 south of Route 33. Added L.1950, c. 261, p. 904, § 1.

Effective June 28, 1950.
The title of L.1950, c. 261, provided that the route added thereby should be designated as a parkway.

ROUTE NO. —. Beginning at Route No. 38 in the County of Burlington, extending thence in a northeasterly direction to and along the Old Monmouth road through the counties of Burlington, Ocean and Monmouth to Route No. 4 at Freehold in the county of Monmouth. Added L.1950, c. 300, p. 1012, § 1.

Effective July 6, 1950.

ROUTE NO. —. Beginning at Route 8, in the vicinity of Columbia and paralleling the Delaware river to the southeasterly abutment of the bridge to be constructed across the Delaware river by the Delaware River Joint Toll Bridge Commission, in the vicinity of the Delaware Water Gap in Pahaquarry township, Warren county. Added L.1951, c. 107, p. 516, § 1.

Effective May 29, 1951.

ROUTE NO. —. Beginning in the vicinity of the Raritan river, thence taking a southeasterly direction passing between Fort Earle and Route 35 to a connection with Route 34 south of Route 33. Added L.1951, c. 109, p. 518, § 1.

Effective May 29, 1951.

ROUTE NO. —. Beginning at Route 31 northerly of Somerville in the County of Somerset and the State of New Jersey and from thence in a general northerly direction to the vicinity of Boonton in the County of Morris, thence continuing in a general northeasterly direction through Passaic County to a connection with Route 17 in Bergen County in the vicinity of the New York State line. Added L.1951, c. 110, p. 519, § 1.

Effective May 29, 1951.

ROUTE NO. —. Beginning in Route No. 44 (1927) in the vicinity of Verga, Gloucester county, and running thence in an easterly direction to Route No. 43 (1927) in the vicinity of Barrington, Camden county, thence in a northerly direction to Route No. 25 (1927) in the vicinity of Bridgeboro, Burlington county. Added L.1953, c. 70, p. 70, § 1.

Effective April 2, 1953.

ROUTE NO. —. Beginning at a point in Route No. S-4, at or near the Outerbridge crossing of Arthur Kill in the city of Perth Amboy and running thence in a general westerly direction through Woodbridge township, Raritan township and Piscataway township to a point in Route No. 29 in or near Middlesex borough. Added L.1953, c. 87, p. 1012, § 1.

STATE HIGHWAY SYSTEM

Present New Jersey Law

ROUTE NO. ——. Beginning at State Highway Route No. 2 (Route 17) in the vicinity of its intersection with State Highway Route No. S-3 in or near the township of Lyndhurst, and running southerly east of Schuyler avenue in the township of Lyndhurst, borough of North Arlington, town of Kearny, and ending at the Jersey City and Newark Turnpike in or near the town of Harrison. Added L.1953, c. 93, p. 1021, § 1.

Effective April 16, 1953.

ROUTE NO. ——. Beginning at Robbinsville in the county of Mercer and the State of New Jersey and from thence in a general southeasterly direction to a point in the vicinity of "The Thomas A. Mathis Bridge" across Barnegat bay in Ocean county from Seaside Heights to Dover township. Added L.1953, c. 111, p. 1297, § 1.

Effective April 22, 1953.

ROUTE NO. ——. Beginning at the traffic circle at the southerly end of Route 68 and extending in a southerly direction to a connection with Route 70 in the vicinity of its intersection with Route 72, L.1953, c. 112, p. 1298, § 1.

Effective April 22, 1953.

ROUTE NO. ——. Beginning in the vicinity of the Burlington-Bristol bridge over the Delaware river and extending in a southeasterly direction to a connection with Route 70 in the vicinity of its intersection with Route 72. Added L.1953, c. 113, p. 1299, § 1.

Effective April 22, 1953.

ROUTE NO. ——. Beginning at a point in State Highway Route 28 (1927), Route U. S. 22 (1953) east of Clinton, Hunterdon county, New Jersey, and from thence proceeding westwardly by direct route to another point in the said legislated Route 28 (1927), Route U. S. 22 (1953) west of Clinton. Added L.1955, c. 75, p. 241, § 1.

Effective June 16, 1955.

ROUTE NO. ——. Beginning at Route 69 in the vicinity of the Pennington traffic circle and from thence in a southeasterly direction through Mercer county to a junction with U. S. Route 1 in the vicinity of Slackwood, in the township of Lawrence. Added L.1955, c. 255, p. 938, § 1.

Effective Jan. 4, 1956.

ROUTE NO. ———. Beginning at Garfield avenue in Jersey City, Hudson county and connecting with a service road constructed by the New Jersey Turnpike Authority; and from thence proceeding eastwardly to Point Breeze; thence southerly approximately paralleling Avenue E over new location to a point opposite East 30th street in the city of Bayonne, Hudson county at location known as Constable Hook. Added L.1957, c. 88, p. 171, § 1.

Effective June 14, 1957.

ROUTE NO. ——. Beginning in the vicinity of the Borough of Eatontown, Monmouth County, at State Highway Route 35 on the north and from thence in a southerly direction easterly of the Garden State Parkway through Ocean Township, Neptune Township, and Wall Township, to State Highway Route 35 in the vicinity of the Borough of South Belmar, in Monmouth County, on the south. Added L.1958, c. 103, p. ——, § 1.

Effective July 2, 1958.

Section 2 of L.1958, c. 103, p. ——, provided that the route added thereby is designated a freeway as defined in L. 1945, c. 83.

Comment

See comment on page 44.

Present New Jersey Law

Comment

27:6-2. Certain former routes included in system

The state highway system shall also include any routes established, taken over and constructed under acts in effect prior to March thirtieth, one thousand nine hundred and twenty-seven, unless such routes have or shall have been vacated or abandoned by the commissioner as provided by law.

Historical Note

Source. L.1917, c. 14, p. 25 [1924 Suppl. § 179-726 et seq.]

Revision Note. The following are parts of routes taken over prior to 1927 which, although not included in the comprehensive state highway system prescribed by L.1927, c. 319, p. 712, are maintained by the state highway department:

Route No. 4—North (1917),
Eatontown to Asbury Park, via Long Branch.

Route No. 5—North (1917),
Morris Plains to Denville.

Route No. 8—North (1917),
Sussex to New York state line at Unionville.

Route No. 10—North (1917),
Paterson to west city line of Hackensack.

Route No. 11—North (1917),
Newark city line through Belleville and Nutley to Clifton city line.

See comment on page 44.

27:6-3. Approaches to Midtown Hudson tunnel declared part of state highway system; maintenance and operation

When, pursuant to article 6 of chapter 1 of Title 32, Interstate and Port Authorities and Commissions (§ 32:1-118 et seq.), the port of New York authority has completed in its entirety the construction of the approaches to the Midtown tunnel according to and in complete conformity with a general plan of construction, approved by the state highway commissioner, which plan shall provide for a type of construction in conformity with the standards prescribed by the department for similar roads in the state highway system, and constituting a highway connection between state highway Route No. 3, in the township of North Bergen and Hudson county boulevard East, in the township of Weehawken (viz., a six-lane depressed roadway through Union City, and the connections thereof on the west with state highway Routes No. 1 and No. 3 and Hudson county boulevard and on the east with Hudson county boulevard East, all in accordance with said general plan), and dedicated it to public use for general highway purposes as well as tunnel traffic purposes, the said portion of said approach shall become a part of the state highway system, and shall thereafter be maintained, operated and administered by the state as a traffic connection with the Midtown tunnel as well as for general highway purposes in accordance with the laws of the state relating to maintenance, operation and administration of the state highway system and future amendments thereof and supplements thereto.

Nothing herein contained shall be construed to permit the state highway commissioner to construct any portion of said approach. Nothing herein contained shall be construed to obligate the state to provide to the port of New York authority the funds with which to construct any portion of said approach.

Nothing herein contained shall be construed to permit the state highway commissioner to maintain any portion of said approach other than the portion above described.

STATE HIGHWAY SYSTEM

Present New Jersey Law

27:7-2. Additional routes

The commissioner may lay out routes in continuation of, connecting with, and in addition to the routes prescribed by section 27:6-1 of this title.

27:7-3. Routes to be direct; use of existing highways; new right of ways

All routes shall be as short and direct as practicable between the points specified, due regard being had for the other requirements of this title. Existing highways may be used whenever convenient but the commissioner may lay out, open and improve new roads over acquired right of ways.

27:7-4. Routes taken over as state highways; hearing and notice

When the commissioner contemplates taking over a route or part thereof as a state highway he shall give notice in writing, which may be served on the body having control of such route or part thereof by mailing it to the presiding officer or clerk thereof, that the commissioner will give a hearing to all persons interested, on a day stated in the notice, not less than thirty days from the date thereof.

27:7-5. Determination by commissioner; notice to governing body

After the hearing the commissioner shall determine whether a route or part thereof, if any, shall be taken over as a state highway, and shall notify the body having control of the route or part thereof, of such action.

27:7-6. Route becomes state highway; exception

Upon such determination by the commissioner such route or part thereof shall become a state highway, and the further improvement, betterment, maintenance and repair thereof shall be at the expense of the state, under the jurisdiction of the commissioner, but when the determination of the commissioner or any amendment thereof made before the work on such portion of a state highway has been begun, shall contain a provision that certain indicated portions of a state highway to a length thereof in any particular location not exceeding five miles are subject to change of route at any time thereafter, which change is hereby limited to five years from the completion of such highway in its entirety as originally laid out, the certain indicated portion or portions thereof shall not become permanently dedicated as a part of the route of such state highway, but the commissioner may, in that case, alter the route and lay out the new part of the route as he may indicate, as he might have done in the first instance. The vacated portion of the highway to the extent limited herein may then be either vacated or abandoned and may be taken over by the board of chosen freeholders of the county and maintained as a county road as is otherwise provided by law.

Comment

See comment on page 44.

STATE HIGHWAY SYSTEM

Present New Jersey Law

Comment

27:7-7. Contracts affecting route taken over; fulfillment

When the body from which the highway is taken over has rights or benefits by virtue of an understanding, agreement, award or contract with any public utility or other person, to repair, maintain or construct all or any part of the highway, or to deliver or execute any other source of obligation with respect thereto, the undertaking shall remain in force, and all such contractual or agreement rights, duties and benefits shall pass to and be taken over and assumed for the state by the commissioner.

All the terms, conditions and requirements of such agreements or contracts shall be fulfilled to the state by such public utility or person in the same manner as if they had been originally made between the state and such person.

See comment on page 44.

27:7-8. Existing contracts unaffected

If at the time when it is proposed to take over a highway, a contract for work thereon shall have been awarded but the work thereunder not completed, the further operation of this chapter with respect to the highway or part thereof shall be suspended until the completion of the work.

27:7-9. Reimbursement of counties for work done on roads taken over

If, when a highway is taken over by the state under this chapter, a county shall have improved, reconstructed or made any extraordinary repairs upon it or any part thereof, under a contract awarded after March first, one thousand nine hundred and twenty-seven, the commissioner shall first set aside from the funds under his control a sum of money sufficient to reimburse the county for all money expended by it on such work whether raised by the issuance of bonds or otherwise, exclusive, however, of all moneys which may have been received by the county in the form of state aid, and expended as part of the cost of such extraordinary repairs or reconstruction.

No such repayment shall be made, by virtue of any award of contract made after March thirtieth, one thousand nine hundred and twenty-seven, unless some proceeding concerning the contract had been theretofore begun or the contract shall have been theretofore approved by the commissioner.

For the purpose of determining the amount of money expended by the county, the county engineer shall prepare and file with the commissioner a detailed certificate of the moneys so expended which shall be accepted as fixing the amount expended by the county provided the work shall be equal to that required by the provisions of this chapter.

STATE HIGHWAY SYSTEM

Present New Jersey Law

27:7–10. Use of moneys repaid

Moneys repaid to any county pursuant to section 27:7–9 of this title shall be used as follows and for no other purpose:

a. If the work for which reimbursement is made was paid for by the county out of moneys raised by the sale of its obligations, the moneys so repaid shall be used to retire such obligations or invested in such manner as may be lawful for sinking funds to be used for the retirement of such obligations when they become due and payable;

b. If the work for which such reimbursement is made was not paid for out of moneys raised by the sale of obligations of the county, such moneys may be used to retire county obligations or may be invested for sinking fund purposes, or a portion or all of it may be set apart and used for the improvement or reconstruction of, or for making extraordinary repairs upon any highway or highways which are a part of any county road system but which need not be a part of any state highway system;

c. The board of chosen freeholders of the county, upon the certification by the commissioner of the amount of moneys to be repaid, may make appropriations for the improvement, reconstruction or extraordinary repair of such highways, and enter into contracts therefor prior to the receipt of such money, and may temporarily finance such contracts by the issuance of temporary improvement notes which shall be paid and retired upon the receipt of the moneys from the state;

d. The expenditure of the money shall be under the control of the board of chosen freeholders of the county, and it shall not be necessary to submit plans and specifications for the improvement, reconstruction or extraordinary repairs to the commissioner, unless the highways are a part of the state highway system.

27:7–15. Municipal streets as part of highway system; improvement by municipality

The commissioner may enter into contract with a municipality, the streets or roads of which will form proper connections with a state highway, for work which will place such streets and roads in a condition in keeping with the nature of the state highways approaching and leaving the municipality.

A municipality may, when it deems it advisable, improve a part of a state highway lying within the municipality, such part lying outside the limits of the area of the highway improved or proposed to be improved by the commissioner or by the county with the consent and approval of the commissioner.

In either case the municipality shall proceed in the same manner as for the making of a "local" or "general" improvement, as defined by section 40:56–1 of the title Municipalities and Counties, except that advertising for or receiving bids for the making thereof shall not be required.

Comment

See comment on page 44.

STATE HIGHWAY SYSTEM

Present New Jersey Law

27:7–16. Contracts to have work done by state or county

In lieu of making the improvement in the manner provided in section 27:7–15 of this title, the municipality, upon the approval of such proceedings by the commissioner may contract with the commissioner for the making of the improvement and the payment to the state of the cost thereof as fixed by the contract, or if the improvement of the state highway shall be undertaken by the county pursuant to sections 27:9–1 to 27:9–5 of this title, the municipality may contract with the county for the making of the improvement and the payment to the county of the cost thereof as fixed by the contract.

27:7–17. Certain drawbridges along routes maintained by state

All drawbridges and approaches thereto in existence since March thirtieth, one thousand nine hundred and seventeen, and not less than six hundred feet long, forming part of a route described in chapter 6 of this title (§ 27:6–1 et seq.) and extending over a navigable waterway or part thereof, which forms the dividing line or part thereof between two municipalities in this state, shall become a part of the state highway system upon the taking over by the commissioner of the whole or a part of the route or routes of which the bridge and its approaches form a connecting or continuing part to the state highway system. The department shall thereupon immediately take over the improvement, betterment, reconstruction, resurfacing, maintenance, repair and regulation of the uses thereof.

Comment

See comment on page 44.

BRIDGES

Present New Jersey Law

27:7-45. Designation of bridges as state highway bridges

The commissioner may designate any bridge which connects at each end with improved roads in the state highway system as a state highway bridge, whenever, in his judgment, the cost of operation or repair thereof is, in view of the traffic carried thereby, an inequitable charge on the board or boards of chosen freeholders charged or to be charged by law with such costs.

Historical Note

Source. L.1914. c. 204, § 1, p. 413 [1924 Suppl. § 26-132].

27:7-46. Petition for designation; cost of maintenance apportioned

The board or boards of chosen freeholders severally or jointly charged with the operation or repair of the bridge may, by resolution, request such designation. The commissioner may thereupon designate the bridge as a state highway bridge. The designation shall prescribe the exact share of the costs of operation or repair to be assumed by the state.

Historical Note

Source. L.1914, c. 204, § 2, p. 414 [1924 Suppl. § 26-133].

27:7-47. Repairs; annual estimate; approval by commissioner

Each board of chosen freeholders charged with the duty of operating and repairing a bridge designated as a state highway bridge shall annually, during the month of January, submit an itemized statement of probable repairs necessary during the year and an estimate of costs thereof to the commissioner who shall, as soon as possible, set aside from the fund available for maintenance of public roads such sum as in his judgment may be needed to meet the estimated costs, as corrected by him, and the costs of such emergency repairs as he may deem reasonable.

The boards of chosen freeholders, or any freeholder in charge of the operation and repair of a state highway bridge, shall, whenever any emergency repairs become necessary, at once notify the commissioner. All salaries charged to the cost of operation and repair shall be approved by the commissioner. No bill in excess of one hundred dollars, except for emergency repairs, shall be incurred without such approval. The commissioner or his authorized agent shall be the sole judge of the necessity of emergency work.

Comment

No change suggested for these sections.

Present New Jersey Law

Comment

Historical Note

Source. L.1914, c. 204, § 3, p. 414 [1924 Suppl. § 26–134].

27:7–48. Bills certified to commissioner; payment; limitation

The board of chosen freeholders shall file with the commissioner certified copies of all bills. Payment to the board shall be made of the state's share of the costs of operation and repair from the amount set aside as hereinbefore provided, on certificate of the commissioner attached to the copies of bills, setting forth the amount of the share and the fact that the work described therein has been properly done, but the share assumed by the state shall not exceed thirty-three and one-third per cent.

Nothing herein contained shall authorize the payment as the state's share of the cost of operation and repair of an amount in excess of the sum set aside for that purpose.

No change suggested.

Historical Note

Source. L.1914, c. 204, § 4, p. 415 [1924 Suppl. § 26–135].

FREEWAYS AND PARKWAYS

Present New Jersey Law

27:7A–1. Definitions

As used in this act,[1] "freeway" shall mean a State highway especially designed for through mixed traffic over which abutters have no easement or right of light, air or direct access, by reason of the fact that their property abuts upon such way, with infrequent public entrances and exits and with or without service roads.

"Parkway" shall mean a State highway especially designed for through passenger traffic over which abutters have no easement or right of light, air or direct access, by reason of the fact that their property abuts upon such way, with special treatment in landscaping and planting between roadways and along its borders, which borders may also include service roads open to mixed traffic, recreational facilities such as pedestrian, bicycle and bridle paths, overlooks and picnic areas, and other necessary noncommercial facilities. L.1945, c. 83, p. 419, § 1, as amended L.1948, c. 461, p. 1893, § 2.

27:7A–2. Access or exclusion to right of way; inability to agree with landowners

Upon recommendation of the State Highway Commissioner and upon subsequent designation by the Legislature of any projected State highway, or portion thereof, as a freeway or as a parkway, the State Highway Commissioner shall have authority to arrange with landowners, at the time of purchase of the rights-of-way for such highway or portion thereof, for the control of public or private access or for complete exclusion of direct access of abutters to the State highway right-of-way. Such arrangements shall be made part of the purchase contract. In the event that no agreement can be reached between the parties, the commissioner shall have the power to acquire said rights of access by condemnation. L.1945, c. 83, p. 420, § 2.

Effective April 3, 1945.

27:7A–3. Property needed for freeway; control of number, location and design of access roads

Property needed for any freeway is declared to be all those lands or interests therein required for the traveled way together with those lands or interests therein necessary or desirable for service, maintenance and protection of the present and future use of the highway, not to exceed a total average width of right-of-way of three hundred feet, except where greater width is needed in connection with grade separations, connecting roadways at an intersection with another main highway, and railroad crossing eliminations or relocations, and for those areas referred to in section eight of this act. The State Highway Commissioner shall have the authority to control the number of access roads and their location and design. L.1945, c. 83, p. 420, § 3, as amended L.1948, c. 461, p. 1894, § 3.

Effective Oct. 28, 1948.

27:7A–4. Property needed for parkway

Property needed for any parkway is declared to be all those lands or interests therein required for the traveled way, together with those lands or interests therein necessary or desirable to provide land between roadways, occasional parking areas, treatment of borders and landscape areas, recreational facilities, and for those areas referred to in section eight of this act.[1] L.1945, c. 83, p. 421, § 4, as amended L.1948, c. 461, p. 1895, § 4.

1 Section 27:7A–8.

27:7A–4.1 Acquisition of entire lot, block or tract when acquiring property for freeway or parkway

In connection with the acquisition of property or property rights for any freeway or parkway or portion thereof, the State Highway Commissioner may, in his discretion, acquire by gift, devise, purchase or condemnation, an entire lot, block or tract of land, if, by so doing, the interests of the public will be best served even though said entire lot, block or tract is not needed for the right-of-way proper but only if the portion outside the normal right-of-way is landlocked or is so situated that the cost of acquisition to the State will be practically equivalent to the total value of the whole parcel of land; *provided, however*, that the State Highway Commissioner shall not have the power to acquire by the exercise of the right of eminent domain for any of the purposes of this act any property or property rights owned or used by any public utility as defined in section 48:2–13 of the Revised Statutes. L. 1952, c. 21, p. 105, § 1.

Effective April 14, 1952.

Title of Act:

An Act to supplement "An act providing for the establishment, construction and maintenance of freeways and parkways," approved April third, one thousand nine hundred and forty-five (P.L. 1945, c. 83), as said Title was amended by chapter four hundred sixty-one of the laws of one thousand nine hundred and forty-eight. L.1952, c. 21, p. 105.

Comment

No change suggested

No change suggested.

Supporting the statement on page 12, this section should be amended by providing that property taken for freeways and parkways should be sufficient in area to include the relocation of public utilities when necessary.

No change suggested.

No change suggested.

FREEWAYS AND PARKWAYS

Present New Jersey Law

b. Subject to the conditions and restrictions imposed by this act, the premises shall be sold at public sale to the highest responsible bidder.

c. The commissioner shall have the right to incorporate in any deed conveying premises so sold covenants running with the land requiring the purchasers, their grantees, and successors (1) to erect and maintain any buildings thereon in conformity with specified exterior design, (2) to provide services reasonably required by the users of the freeway or parkway subject to usual sanitary and health standards, and (3) to conduct no business other than that for which the property was originally sold, without the written consent of the commissioner.

d. Such premises shall not be sold to a person who owns, directly or indirectly, or holds under lease any premises in the same service area on the same side of a freeway or parkway purchased for a similar purpose.

e. In acquiring areas for the purposes aforesaid and in subdividing such areas into smaller premises for sale to the purchasers thereof, the commissioner shall provide a sufficient number of separate premises to encourage free and open competition among all suppliers of each service involved who desire to purchase premises for the furnishing of such services along each freeway and parkway, subject to any restrictions hereinabove stated.

f. The commissioner shall provide access roads from the freeway or parkway to the service areas, the location of which shall be indicated to users of the freeway or parkway by appropriate signs, the style, size, and specifications of which shall be determined by the State Highway Commissioner.

g. Each purchaser of such premises may arrange to have the services for which such premises were sold performed through lessees or other third persons provided that such purchasers shall remain liable for failure to comply with the covenants contained in the deed affecting such premises.

For the purpose of this section, "person" shall include any individual and those related to him by blood, marriage or adoption, and partnerships and corporations and all individuals affiliated therewith through ownership or control, directly or indirectly, of more than fifty per centum (50%) of any outstanding corporate stock.

27:7A-9. Powers cumulative

The powers contained in this act are in addition to all the powers that the State Highway Commissioner has at the time this act becomes effective, and any limitation herein contained shall be interpreted as applying only to freeways and parkways created under this act. L.1945, c. 83, p. 423, § 9.

Emergency. Effective April 3, 1945.

Comment

No change suggested.

27:7A-10. Designation as freeways of routes included in national system of interstate highways

The State Highway Commissioner may designate as freeways, in accordance with chapter 83, Public Laws of 1945,[1] routes in the State approved by the United States Department of Commerce, Bureau of Public Roads, as a part of the interstate highway system in the National System of Interstate Highways, dated September 15, 1955.

No change suggested.

FREEWAYS AND PARKWAYS

Present New Jersey Law

27:7A-5. Acquisition of easements, etc., for freeways and parkways

Upon recommendation of the State Highway Commissioner and upon subsequent designation by the Legislature of any existing State highway, or portion thereof, as a freeway or parkway, the State Highway Commissioner shall have the authority to acquire, either by purchase or condemnation, such property rights, easements and access rights as may be necessary to make such existing highway or portion thereof a freeway or parkway as defined in this act. L.1945, c. 83, p. 421, § 5.

Effective April 3, 1945.

Comment

No change suggested.

27:7A-6. Restriction to passenger motor vehicles; autobuses

The State Highway Commissioner shall have the authority to restrict the use of roadways in parkways to passenger motor vehicles and to make such other regulations as may be proper or necessary to carry out the provisions of this act; *provided, however*, if any highway or any portion or portions thereof over which autobuses lawfully operate is designated a parkway, or a part of a parkway, no such restriction or regulation shall prevent the use by autobuses, in accordance with other laws applicable thereto, of such portion or portions of such parkway as include such highway or portion or portions thereof, or of such portion or portions of such parkway as shall be necessary to provide ingress and egress for such autobuses in connection with such use. L.1945, c. 83, p. 421, § 6.

No change suggested.

27:7A-7. Regulations as to facilities of public utilities; relocation and removal

The State Highway Commissioner shall also have authority to make reasonable regulations for the installation, construction, maintenance, repair, renewal and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "facilities") of any public utility as defined in section 27:7-1 of the Revised Statutes, in, on, along, over or under any such freeway or parkway. Whenever the State Highway Commissioner shall determine that it is necessary that any such facilities which now are, or hereafter may be, located in, on, along, over or under any such freeway or parkway should be relocated in such freeway or parkway, or should be removed from such freeway or parkway, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the State Highway Commissioner; *provided, however*, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location, or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be paid by the State Highway Commissioner. In case of any such relocation of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location. No order of the State Highway Commissioner for the removal of such facilities from such freeway or parkway or the relocation thereof outside of such freeway or parkway shall be effective except as such order is approved by the Board of Public Utility Commissioners. L.1945, c. 83, p. 421, § 7.

No change suggested.

27:7A-8. Commercial activities prohibited; exceptions; acquisition and sale of areas for service facilities

No commercial enterprises or activities shall be conducted by the State Highway Commissioner or any other agency of the State within or on the property acquired for or in connection with a freeway or parkway, as defined in this act,[1] nor shall such commercial enterprises or activities be authorized except as hereinafter provided but nothing herein shall prevent the operation, in the manner provided by law, of autobusses within or on the property used for or designated as a freeway as defined in this act, or the operation, in the manner provided by law, of autobusses within or on the property used for or designated as a parkway as defined in this act to the extent provided for in section six of this act.[2]

The State Highway Commissioner, in order to permit the establishment of adequate fuel or other service facilities by private owners or their lessees, for the users of a freeway or parkway, may acquire suitable areas for such facilities even though such areas are not needed for the right-of-way proper and, in the manner hereinafter provided, shall sell such portions thereof as in his judgment the public interest shall then require. Such sales shall be made under the following terms and conditions:

a. Each purchaser shall be a person who has been continuously a resident of this State for a period of at least two years immediately preceding such sale.

No change suggested.

Present New Jersey Law

Comment

27:7–19.3. Municipal indebtedness to State for highway or road work or improvement as temporary offset against claim for emergency relief expenditures

When any municipality of this State shall be indebted to the State, on contract, for highway or road work or improvement, including the cost of right-of-way and including cost of land acquired pursuant to chapter one hundred ninety-one of the laws of one thousand nine hundred and thirty, such indebtedness shall be treated as a temporary offset against any claim that the said municipality may have against the State arising out of emergency relief expenditures and the said municipality shall only be paid that sum which the said emergency relief expenditures exceeds the said indebtedness, pending liquidation, adjustment or settlement of the claim. In the event that in the future any adjustment shall be made by the State, or any of its departments, of the amount chargeable against any such municipality, the difference between the amount now alleged to be due and, as adjusted, shall be credited to the municipality. In order that the treasurer of this State may be apprised of the amount due from the municipalities of this State on account of road work or improvement, the State Highway Commissioner shall forthwith certify to the State Treasurer the amount due the State from each municipality for any such work or improvement. L.1939, c. 9, p. 21, § 1.

This section should be repealed since it is no longer in operation and no appropriation has been made to the Highway Department for emergency relief for 20 years or more.

(For additional comment see page 19.)

27:7–20. Work may be done by contract; approval required; exception

If, in the judgment of the commissioner, the co-operating board, body or person could obtain more advantageous prices for the work and the best interests of the state would be served by having the co-operating board, body or person award the contract for the work, the commissioner shall approve the drawings and specifications of the co-operating board, body or person and shall approve the contract for the work, and may, subject to the consent, in writing, of the state house commission, enter into an agreement in writing to pay the co-operating board, body or person such portion of the cost as the state highway commissioner may deem advisable.

Payment on the part of the state shall be made only after the state highway commissioner shall have approved the certificate of the inspector and engineer in charge of the work that it has been satisfactorily completed, in whole or in part, according to the contract, drawings and specifications.

If the co-operating body is a public utility corporation under the jurisdiction of the board of public utility commissioners and the work is to be done without contract by the employees of the corporation, the state highway commissioner may waive the requirement as to approval of the contract for the work.

This section should be repealed for the same reason as above.

FINANCE

Present New Jersey Law	Comment
27:7–42. Highway beautification; fund for The commissioner may set apart in any calendar year from the amount subject to expenditure in that year for state highway construction, a sum not exceeding one per cent of the amount expended by the commissioner in the preceding calendar year for construction of state highways, and may expend such one per cent or part thereof in the calendar year when the same shall have been set apart, together with such additional amounts as may be voluntarily contributed by private parties, in the planting and care of trees and shrubbery in and along state highways, in removing unsightly objects therefrom, and in otherwise effecting highway beautification. The money so set apart shall be expended under the supervision of a competent landscape architect, to be employed by the commissioner for that purpose.	**No change suggested.**
27:7–40. Commissioner may contract for work upon issuance of certificate The state highway commissioner may enter into contracts for the doing of work authorized by law and financed by the issuance of bonds, under an act entitled "An act authorizing the creation of a debt of the state of New Jersey by the issuance of bonds of the state in the sum of eighty-three million dollars for highway improvements; providing the ways and means to pay the interest of said debt, and also to pay and discharge the principal thereof; and providing for the submission of this law to the people at a general election," approved April eighteenth, one thousand nine hundred and thirty, whenever he shall certify under the authority of this section to the state house commission the amount of money necessary to be raised by the issuance of bonds for that work, and the state house commission shall approve by a vote of a majority of the members thereof, with the presiding officer voting in the affirmative, of such certification, and notify the state highway commissioner of such approval in writing. The notification shall be signed by the presiding officer and the secretary of the state house commission. No contract shall be entered into in excess of the amount specified in such certification.	**No change suggested.**

FINANCE

Present New Jersey Law	Comment
27:11-1. State highway system fund; sources L.1927, c. 331, p. 778, entitled "An act concerning the state highway system and regulating the disbursement of moneys therefor," passed April first, one thousand nine hundred and twenty-seven, saved from repeal. [This act dedicates to highway purposes certain revenues of the state.]	This section should be repealed since section 52: 22-20 provides for the appropriation and budgeting of state highway funds.
27:11-2. Salary fund continued The fund established by the act entitled "An act providing for the establishment and maintenance of a fund subject to the disbursement of the New Jersey state highway commission for the payment of salaries and wages of its officers and employees," approved April eighth, one thousand nine hundred and twenty-one (L.1921, c. 261, p. 788), is hereby continued.	This section should be repealed since the salary fund is no longer maintained in the department. Salaries are paid from the general appropriation to the highway department.
27:11-3. Custodian of fund The commissioner shall designate one of his employees to act as custodian of the fund. He shall furnish a surety bond conditioned for the satisfactory maintenance and disbursement of the fund in a sum at least double the amount of the fund as first established. He shall make no expenditure from the fund for salaries and wages of the officers and employees of the commissioner except on proper certification and approval of the civil service commission.	This section should be repealed for the same reason as above.
27:11-4. Semimonthly payments The commissioner shall pay out of the fund, salaries and wages of his officers and employees at least semimonthly, as other state officers and employees are paid by the state treasurer.	This section should be repealed for the same reason as above.

Present New Jersey Law

Comment

27:11-5. Maintenance of fund

The fund shall be replenished and maintained by payments made by the state treasurer to the custodian, on the warrant of the comptroller, which payments shall equal the sum disbursed immediately previous to the date of such warrant of the comptroller. The sum to be paid shall be established by a certification bearing approval of the civil service commission and of the approval officer designated by the state highway commissioner.

Historical Note

Source. L.1921, c. 261, § 4, p. 789 [1924 Suppl. § 179-813].

This section should be repealed since the salary fund is no longer maintained in the department. Salaries are paid from the general appropriation to the highway department.

27:11-6. Proof of payment; withholding of funds; emergency payments

The comptroller may require from the state highway commissioner, the custodian or other approval officer, or any or all of them, such further satisfactory proof as to the proper disbursement of the fund and its maintenance as he may in his judgment require, and may withhold the warrant for the replenishing of the fund until such proof is forthcoming, but in that event the salaries and wages of the officers and employees of the commissioner shall be paid by the state treasurer upon the warrant of the comptroller after approval of the civil service commission until such time as the cause for withholding the warrant shall have been removed.

Historical Note

Source. L.1921, c. 261, § 5, p. 789 [1924 Suppl. § 179-814].

This section should be repealed for the same reason as above.

ARTICLE 3. BONDS

27:11-7. Act of 1922

L.1922, c. 262, p. 634 (1924 Suppl. §§ 179-821 to 179-839), entitled "An act for the construction, improvement, reconstruction and rebuilding of the state highway system; providing for the defraying of the cost of the same by the taxation of real and personal property in this state, and by the creation of a debt of the state in an amount not exceeding forty million dollars by the issuance of bonds therefor, and for the submission of this act to the people at a general election," passed March seventeenth, one thousand nine hundred and twenty-two, saved from repeal, together with the following supplement thereto passed March fourteenth, one thousand nine hundred and twenty-four (L.1924, c. 249, p. 660; 1924 Suppl. §§ 179-840 and 179-841). [This act provides for the raising of money for highway purposes and the issuance of bonds of the state in the amount of forty million dollars. It prescribes the time and manner in which the bonds shall be issued and provides for the establishment of a sinking fund and the investment of the moneys thereof, and the levying of a general property tax to pay the principal and interest of such bonds. The act was submitted

This section should be repealed since the bonds have subsequently been retired.

(For additional comment see page 19.)

Present New Jersey Law

Comment

to the voters of the state at the general election held in November 1922, and was officially declared adopted on December 5, 1922. The supplement passed March 14, 1924, provided for the repayment to the several municipalities of excess taxes collected under the original act.]

27:11-8. Act of 1927

L.1927, c. 181, p. 344, entitled "An act for the construction, improvement, reconstruction and rebuilding of the state highway system, including bridges, tunnels, viaducts and rights of way as parts thereof; providing for the defraying of the cost of the same by the taxation of real and personal property in this state, and by the creation of a debt of the state in an amount not exceeding thirty million dollars by the issuance of bonds therefor, and for the submission of this act to the people at a general election," approved March twenty-eighth, one thousand nine hundred and twenty-seven, saved from repeal. [This act provides for the raising of money for highway purposes and the issuance of bonds of the state therefor in an amount not exceeding thirty million dollars. It prescribes the time and manner in which the bonds shall be issued and provides for the establishment of a sinking fund and the investment of the moneys thereof, and the levying of a general property tax to pay the principal and interest of such bonds. The act was submitted to the voters of the state at the general election held in November 1927, and was officially declared adopted on December 6, 1927.]

This section should be repealed because the bonds have since been retired.

(For additional comment see page 19.)

Present New Jersey Law | Comment

27:11-9. Act of 1930

L.1930, c. 228, p. 1022, entitled "An act authorizing the creation of a debt of the state of New Jersey by the issuance of bonds of the state in the sum of eighty-three million dollars for highway improvements; providing the ways and means to pay the interest of said debt, and also to pay and discharge the principal thereof; and providing for the submission of this law to the people at a general election," approved April eighteenth, one thousand nine hundred and thirty, saved from repeal. [This act provides for the raising of money for highway purposes and for grade crossing elimination, and the issuance of bonds of the state therefor in the amount of eighty-three million dollars. The amount was reduced to sixty-three million dollars by L.1932, c. 250, p. 550, and was further reduced to fifty-eight million dollars by L.1933, c. 397, p. 1100. It prescribes the time and manner in which the bonds shall be issued. Payment of principal and interest is provided for from the receipts of the tax on motor vehicle fuels, supplemented by a general property tax if the motor vehicle fuel tax proves insufficient for the purpose. The act was submitted to the voters of the state at the general election held in November 1930, and was officially declared adopted on December 2, 1930.]

No change suggested.

27:11-10. Act reducing amount of 1930 issue

L.1932, c. 250, p. 550, entitled "An act to reduce to sixty-three million dollars the debt authorized to be created by an act entitled 'An act authorizing the creation of a debt of the state of New Jersey by the issuance of bonds of the state in the sum of eighty-three million dollars for highway improvements; providing the ways and means to pay the interest of said debt, and also to pay and discharge the principal thereof; and providing for the submission of this law to the people at a general election,' approved April eighteenth, one thousand nine hundred and thirty," approved June fourteenth, one thousand nine hundred and thirty-two, saved from repeal. [This act reduces the amount of the bonds authorized by L.1930, c. 228, p. 1022, from eighty-three million dollars to sixty-three million dollars. The act was submitted to the voters of the state at the general election held in November 1932, and was officially declared adopted on December 6, 1932.]

No change suggested.

27:11-11. Act further reducing amount of 1930 issue

L.1933, c. 397, p. 1100, entitled "An act to reduce to fifty-eight million dollars the debt authorized to be created by an act entitled 'An act authorizing the creation of a debt of the state of New Jersey by the issuance of bonds of the state in the sum of eighty-three million dollars for highway improvements; providing the ways and means to pay the interest of said debt, and also to pay and discharge the principal thereof; and providing for the submission of this law to the people at a general election,' approved April eighteenth, one thousand nine hundred and thirty," approved Septem-

No change suggested.

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ber fifth, one thousand nine hundred and thirty-three, saved from repeal. [This act further reduces the amount of the bonds authorized by L.1930, c. 228, p. 1022, from sixty-three million dollars, as provided by L.1932, c. 250, p. 550, to fifty-eight million dollars. The act was submitted to the voters of the state at the general election held in November 1933, and was officially declared adopted on December 5, 1933.]	
27:11-12. Municipal and county "state road tax funding bonds, 1934" L.1934, c. 182, p. 436, entitled "An act concerning the payment of past due state road taxes," approved May ninth, one thousand nine hundred and thirty-four, saved from repeal. [This act provided for the issuance of bonds by municipalities to pay past due state road taxes and also authorized the issuance of bonds by counties which received payments from municipalities on account of the state road tax but failed to pay over such moneys to the state. The act provided the details for the issuance and payment of these bonds which were to be issued and delivered by July 15, 1934, and paid within eight years.]	This section should be repealed since State road taxes are no longer levied.
27:11-13. Municipal and county "state road tax funding bonds, 1935" L.1935, c. 16, p. 38, entitled "An act concerning the payment of past due State road taxes," approved February fifth, one thousand nine hundred and thirty-five, saved from repeal. [This act provided for the issuance of bonds by municipalities to pay past due state road taxes and also authorized the issuance of bonds by counties which received payments from municipalities on account of the state road tax but failed to pay over such moneys to the state. The act provided the details for the issuance and payment of these bonds which were to be issued and delivered by April 1, 1935, and paid within eight years.]	This section should be repealed for the same reason as above.
27:11-14. State road tax not certified in certain cases The comptroller of the treasury need not certify the state road tax to the several counties in any year so long as the revenue derived from the tax levied pursuant to chapter 39 of the title Taxation (§ 54:39-1 et seq.) shall be sufficient to support the sinking fund requirements under the provisions of chapter two hundred and sixty-two of the laws of one thousand nine hundred and twenty-two and chapter one hundred and eighty-one of the laws of one thousand nine hundred and twenty-seven.	This section should be repealed for the same reason as above.

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STATE AID TO COUNTIES AND MUNICIPALITIES

27:13–1. State aid roads; standards for construction and maintenance

No funds shall be expended for state aid to counties or municipalities unless the roads constructed therewith conform to standards prescribed by the department and the county or municipality shall have entered into an agreement with the department that the road will be kept in repair by patrol or such other method as shall be adopted by the commissioner.

Historical Note

Source. L.1917, c. 15, § 13, p. 39 [1924 Suppl. § 179–775].

27:13–2. Annual work program; filing; approval

All expenditures for state aid to counties or municipalities for the improvement, maintenance or repair of highways or for the building, maintenance or repair of bridges shall be in accordance with annual work programs prepared by the governing bodies thereof and filed with and approved by the commissioner. The work programs shall be submitted on blanks prepared by the commissioner and shall differentiate between state aid for highway construction, state aid for highway maintenance, state aid for bridge construction and state aid for bridge maintenance.

Historical Note

Source. L.1921, c. 281, § 1, p. 825 [1924 Suppl. § 179–780], suppl. to L.1917, c. 15, p. 35.

27:13–3. Time for filing programs; hearings; co-ordination of programs

The commissioner may fix a date on or before which counties and municipalities shall file their annual work program, but in case of emergencies which were not anticipated, amendments thereto may at any time be filed and approved.

Prior to approving the programs and extending state aid to the projects set forth therein the commissioner may hold hearings with the governing bodies of the counties or municipalities concerned, with a view to recommending such additions to, removals from or changes in the work program as will best enable the counties and municipalities to develop the highways under their jurisdiction in co-operation and co-ordination with the state highway system and with each other. The commissioner may deny the extension of state aid to projects which in his judgment do not comply with this requirement.

Historical Note

Source. L.1921, c. 281, § 1, p. 825 [1924 Suppl. § 179–780], suppl. to L.1917, c. 15, p. 35.

The statement on pages 7 through 10, suggests a complete change of state-aid policy for counties and municipalities. In implementing this change in policy it would be necessary to revise the several sections on pages 79 through 108 herein.

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27:13-4. Payment of dedicated funds quarterly; dates for payment

All moneys from time to time dedicated pursuant to the provisions of chapter 22 of the title State Government, Departments and Officers (§ 52:22-1 et seq.) for the reconstruction, maintenance and repair, operation, policing and lighting of county roads and bridges, and for the payment of principal or interest on obligations incurred prior to May second, one thousand nine hundred and thirty-six, for any such purpose and for the extension of the county highway system, or dedicated for the proper construction, grading, drainage, maintenance and repair of unimproved town, township, village and borough roads of the state under the provisions of chapter 15 of this title (§ 27:15-1 et seq.) and all moneys dedicated pursuant to the provisions of section 27:14-1 of this title, or dedicated to counties for reimbursement for obligations contracted and due in the budget period for which such budget shall apply, shall, unless otherwise specifically provided in the laws under which such moneys become due and payable, be payable to such counties in installments on the first day of February, May, August and November of each year.

27:13-5. Moneys allotted to counties and municipalities as State aid road funds to be held in special account until paid out

Any moneys heretofore or hereafter allotted from the State Highway Fund to any county or municipality as State aid road funds shall be paid out to such county or municipality as provided by law; *provided*, that any such moneys so allotted in any year to any county or municipality which is not paid out to such county or municipality during said year and which is not reserved for payment to such county or municipality on account of obligations incurred during said year under such allotment, shall be placed in a special State aid road fund account and held there to the credit of such county or municipality until such time as said moneys can be used by said county or municipality for the purpose for which said moneys were originally allotted. The moneys in said special State aid road fund account shall be deemed to be dedicated funds and shall not be used for any purpose other than herein provided. L.1943, c. 45, p. 80, § 1.

27:13-6. Investment of moneys in special State aid road fund account; availability

As soon as can be after the effective date of this act[1] and annually thereafter, the State Highway Commissioner shall determine the amount of money which shall be placed in said special State aid road fund account and shall advise the State Treasurer of said action, so that the State Treasurer may set up said special account. If, in the opinion of the State Treasurer and the State Highway Commissioner, the best interests of the State will permit, the State Treasurer may invest and reinvest such moneys in short term obligations of the United States. Any interest accruing from the investment of such funds shall be credited to the General State Fund. Upon application of any county or municipality for which funds are held in the said special State aid road fund account and with the approval of the State Highway Commissioner, moneys so held in the said special account shall be made available for immediate expenditure as heretofore.

Comment

See comment on page 79.

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27:13-7. Payment or retention of moneys allotted to counties; dedicated funds

Any moneys heretofore allotted from the State Highway Fund to any county or municipality as State aid road funds shall be paid to such county or municipality as provided by law; *provided, however*, that any moneys so allotted in any year prior to January first, one thousand nine hundred and forty-five, to any such county or municipality which has not been paid to any such county or municipality and which has not been reserved for payment to any such county or municipality on account of obligations incurred under such allotment, and which has been placed in a special State aid road fund account shall be held therein to the credit of such county or municipality until such time as said moneys can be used by said county or municipality for the purpose or purposes for which said moneys were originally allotted. The moneys in said special State aid road fund account are hereby deemed and declared to be dedicated funds, and shall not be used for any purpose other than herein provided. L.1946, c. 241, p. 856, § 1.

Effective May 1, 1946.

Title of Act:
An Act concerning moneys heretofore allotted from the State Highway Fund to the several counties and municipalities as State aid road funds. L.1946, c. 241, p. 856.

27:13-8. Investment of dedicated funds; availability

If, in the opinion of the State Treasurer and the State Highway Commissioner, the best interests of the State will permit, the State Treasurer may invest and reinvest such moneys in short term obligations of the United States. Any interest accruing from the investment of such funds shall be credited to the General State Fund. Upon application of any county or municipality for which funds are held in the said special State aid road fund account and with the approval of the State Highway Commissioner, moneys so held in the said special account shall be made available for immediate expenditure as heretofore. L.1946, c. 241, p. 856, § 2, as amended L.1953, c. 285, p. 1822, § 1.

Effective July 25, 1953.

27:13-9. Snow removal equipment; purchase

Municipalities and counties of the State of New Jersey are hereby authorized to purchase snow removal equipment with presently allocated State aid moneys. L.1949, c. 126, p. 496, § 1.

Effective May 18, 1949.

Title of Act:
An Act concerning State aid for highways, and supplementing Title 27 of the Revised Statutes. L.1949, c. 126, p. 496.

Comment

See comment on page 79.

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27:14–1. Annual apportionment to counties for construction and reconstruction; county's share

The commissioner shall annually apportion to each county fifty-five thousand dollars ($55,000.00) from State Highway system funds to be used for the construction, reconstruction, maintenance and repair of county roads and bridges. As amended L.1946, c. 207, p. 804, § 1.

Effective July 1, 1947.

See comment on page 79.

27:14–2. Construction of public roads; action by freeholders; contribution by municipalities

The board of chosen freeholders of any county may by resolution direct that a public road or section thereof, located within the county, being at least thirty-three feet in width and at least one mile in length, or, being less than one mile in length but an extension of or connection with some permanently improved or paved road or street, be constructed or improved in such manner that it will, with reasonable repairs, be firm, smooth and convenient for travel at all seasons of the year.

When more roads are applied for than can be constructed in any one year, the board of chosen freeholders and the commissioner may select from the roads petitioned for the ones first to be constructed, having first regard to the most important roads and the distribution of the benefits of this article to all parts of the county.

The board of chosen freeholders may, before approving any road, require as a condition of its approval that the municipalities through which the road runs shall pay ten per cent of the cost of the improvement to be applied to the county's share of the cost of the improvement of the roads constructed under this article.

"Public road" as used in this section includes any road that may have been laid out, dedicated, or the right of way acquired, so that it may be built, notwithstanding it never has been built or used by the public, or any bridges or culverts erected thereon.

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27:14–3. Surveys and plans; approval by freeholders and commissioner

After the passage of the resolution contemplated by section 27:14–2 of this title the board of chosen freeholders shall cause a survey of the road to be made and plans, cross sections and specifications of the work to be done thereon to be prepared. The survey shall indicate the width and length of the road, and shall show how much of it may be improved by deviation from the then existing lines, but no survey shall be commenced until the written consent of the commissioner shall have been first obtained.

When the plans, cross sections and specifications shall have been prepared, they shall be submitted to the board of chosen freeholders for approval or rejection. If approved by the board they shall then be submitted to the commissioner, who shall, before approving them, ascertain the natural character of the soil upon which the road is proposed to be constructed and all other facts he may deem important.

If the commissioner approves the plans, cross sections and specifications, their scope and detail, and is satisfied as to the advisability of the improvement of the road as contemplated, and that the state's share of the cost of the construction of the road together with its share of the cost of the construction of all other roads or sections of roads under the plans and specifications previously approved by him, will not exceed the amount available for the purpose he shall indorse his approval on the plans, cross sections and specifications. Otherwise he shall reject them.

27:14–4. Cost defined

For the purpose of estimating the state's share of the cost of the work, the cost shall include that of supervision and engineering.

27:14–5. Road improvements; extent of

The road improvements contemplated by this article shall include the:

a. Construction of the road and its intersections with other public roads;

b. Restoration or construction as provided in this article of proper and adequate entrances to properties;

c. Building of the necessary walls in cuts or for slopes, bridges and culverts; and all necessary facilities for drainage;

d. Planting of shade trees and such work as may be necessary to preserve existing shade trees; and

e. Treatment of adjacent forest lands so as to make the road and its borders an effective firebreak.

Comment

See comment on page 79.

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27:14–6. Bridges and culverts; specifications, advertisements and contracts

Bridge and culvert building may be included in the road contract or separately contracted for and advertised as provided in section 27:14–12 of this title. Each separate contract shall be approved by the commissioner. All advertisements shall be made as required by this article and all bids received shall give separately the price of each bridge or culvert when included in the road contract.

Historical Note

Source. L.1912, c. 395, § 4, p. 812, as am. by L.1913, c. 317, § 1, p. 643, L.1921, c. 275, § 3, p. 809 [1924 Suppl. § 179–619].

27:14–7. Supplemental contracts

The board of chosen freeholders may, after the execution and approval by the commissioner of a contract for road improvements under this article make without public advertisement, supplemental contracts for additional work found to be necessary as a part of the improvement, provided such contracts shall not cover any additional mileage or length of road, nor alter the general character of the improvement. Before any such contracts shall become binding, and before any work shall be done thereunder, they shall be submitted to and approved by the commissioner in the same manner as provided in this article in case of contracts let after public advertisement.

Historical Note

Source. L.1912, c. 395, § 4, p. 812, as am. by L.1913, c. 317, § 1, p. 643, L.1921, c. 275, § 3, p. 809 [1924 Suppl. § 179–619].

27:14–8. Limitation on state aid in certain cases

The state's share of or contribution to the cost of any improvement under this article shall be forty per cent of the estimated cost thereof, except as otherwise provided by law or when left to the discretion of the commissioner.

Historical Note

Source. L.1912, c. 395, § 4, p. 812, as am. by L.1913, c. 317, § 1, p. 643, L.1921, c. 275, § 3, p. 809 [1924 Suppl. § 179–619].

27:14–9. Contribution by municipalities; resolutions binding

A resolution passed by the governing body of a municipality through which the road runs, to pay at least ten per cent of the cost of the improvement provided for in section 27:14–2 of this title, shall be binding upon it.

Historical Note

Source. L.1912, c. 395, § 21, p. 822, as am. by L.1921, c. 275, § 9, p. 814 [1924 Suppl. § 179–638].

See comment on page 79.

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27:14–10. Municipal bond issue

When a municipality shall have undertaken to pay ten per cent of the cost of an improvement under the provisions of this article either by resolution of the governing body, or otherwise, and in the opinion of the governing body, to be determined by resolution, it would be too burdensome on the taxpayers of the municipality to place in the tax levy for any fiscal year the portion of the expense of the improvement to be borne by it, the governing body may issue bonds for the amount undertaken to be paid by the municipality.

See comment on page 79.

27:14–11. Municipalities may borrow to meet installments on improvement contract; amount

When a municipality or public body has or shall have entered into a contract, with the approval of the commissioner, for the improvement of a public road pursuant to this article, the body having control of the finances of such municipality or public body may, as and when each installment or payment on account of the contract price of such improvement falls due, and a proper certificate therefor is presented to the municipality or public body in accordance with section 27:14–15 of this title, borrow money on temporary loan in anticipation of the payment of such municipality or public body of and to an amount not exceeding the state's share of the installment or payment on account of the contract price of such road so falling due, and the proceeds of such temporary loan shall be applied and paid on account of the installment or payment on account of the contract price.

Such temporary loans shall be repaid upon the payment to the municipality or public body of the sums in anticipation of payment of which the loans were made.

27:14–12. Advertisement for bids; specifications; certified check with bid; contract and bond; time of awarding contract

Within thirty days after the approval of the plans, cross sections and specifications by the commissioner, the board of chosen freeholders shall advertise for bids for such work in two of the public papers printed in said county, and they may also advertise in one engineering journal published in the city of New York, for three weeks successively, at least once in each week.

The first publication of such advertisement shall be at least seventeen days before the date fixed therein for the receipt of bids. This advertisement shall state the place where bidders may examine said plans, cross sections and specifications, and the time and place where bids for such work will be received by the board of chosen freeholders, or a committee of said board. Each bidder must accompany his bid with a certified check, payable to the county treasurer equal to at least ten per cent of the bid; provided, the

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same shall in no case exceed twenty thousand dollars; and provided, further, that in case the bid be less than five thousand dollars, the check shall be five hundred dollars, as a guarantee that if said work be awarded to him he will enter into a contract with said board for the same. This contract must be executed, together with a bond of the successful bidder, in the penal sum of at least the estimated cost of said work, with two or more sureties, freeholders of the county, or a surety or trust company created by this state, or a surety or trust company of another state, authorized to transact business within this state, to be approved by the director of the board of chosen freeholders and the finance committee thereof, conditioned for the faithful performance of said work in strict conformity with the plans, cross sections, and specifications for the same, within thirty days from the awarding of the contract. Provided, further, that it shall be the duty of the board of chosen freeholders to make the award of the contract or contracts, or to reject the same, within the period of one month from the date the bids are received, and that all proposal checks which may be delivered with any bid or bids, excepting the two lowest responsible bids, shall be returned within three days thereafter.

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27:14–13. Contract and bond; approval by commissioner; rejection; readvertising

Before any work is done under the contract, the contract, together with the contractor's bond, shall be exhibited to the commissioner for his approval in writing thereon, but the commissioner may, if he deems it to the best interests of the county, reject the contract, in which case he shall cause the word "rejected" to be placed thereon. From the time of such rejection the bond required to accompany the contract shall be null and void, but such rejection shall not prevent the board from readvertising for bids and proceeding thenceforth under the provisions of this article if such action is taken within four months after such rejection. Otherwise the approval required by section 27:14–3 of this title shall be null and void.

27:14–14. Time of payments; contractor's bond on completion of work; term

The time and manner of payment for work done under a contract awarded under this article shall be set forth in the contract. When a contractor has completed his contract no percentage of the contract price shall be retained but the contractor shall enter into a bond to the board of chosen freeholders in a sum amounting to five per cent of the contract price, with any surety company authorized to do business in this state and which has the approval of the attorney general, as surety. The bond shall remain in force for one year and shall provide that the contractor can be held responsible for poor workmanship done or poor materials furnished under such contract, but he shall not be responsible for acts or causes beyond his control.

27:14–15. Partial payments; engineers' certificate; final report; filing

When a contract provides for partial payments based upon the amount of work done, the state highway engineer or his authorized agent, in conjunction with the county engineer shall, as each payment becomes due, present to the board of chosen freeholders a certificate, signed by said state and county officials, specifying as nearly as may be, the amount of work done for which payment is to be made, and stating that it has been done in strict conformity with the contracts, plans and specifications.

When the work done under a contract shall have been fully completed, the state highway engineer and county engineer shall cause to be prepared a detailed and itemized statement, in quadruplicate, of the cost of the improvement, one copy to be filed with the board of chosen freeholders, one with the county clerk and two with the commissioner.

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27:14–16. Partial payments for highway work; amount

Contracts may provide for partial payments at least once each month or from time to time as the work progresses on work of construction or maintenance. Ten per centum of the amount due on partial payments on the first 50% of the total contract price shall be withheld from the contractor pending completion of the contract. Thereafter, on the remaining 50% of the total contract price, no per centum of the partial payments shall be withheld from the contractor pending such completion.

Contracts may also provide for partial payments at least once in each month or from time to time as the work progresses on all materials placed upon the site which are suitable for the use and execution of the contract, provided the contractor furnishes releases of liens for all material furnished at the time each estimate of work is submitted for payment, but such partial payments shall not exceed 80% of the value of the material. As amended L.1958, c. 7, p. —, § 2.

Effective April 1, 1958.

27:14–17. Payment of state's share of construction cost; certification

The state's share of the cost of all roads constructed under this article shall be paid out of any appropriations made therefor. The governor and the commissioner shall certify, from time to time, to the state comptroller, the amount to be paid to any county or municipality for that year, and the comptroller shall draw his warrant on the state treasurer in favor of the county or municipal treasurer for the amount so certified, and the state treasurer shall thereupon pay the same.

When a contract provides for partial payments based upon the amount of work done, the intent of this article is that partial payments to a county or municipality shall be certified as aforesaid, provided the amount so certified is not in excess of the state's proportionate share of that paid on account of the contract or contracts for work done by the county or municipality as provided in sections 27:14–15 and 27:14–16 of this title.

27:14–18. Contribution by county; annual tax levy; deficiency and surplus

On or before the time fixed by law for the closing and final adoption of the annual tax budget of the county, the board of chosen freeholders shall appropriate either in the annual tax budget or separately the county's share of the estimated cost and expense of all work contracted for under the provisions of this article since the day fixed by law for the closing and final adoption of the annual tax budget of the county in the year next preceding, which shall be the total cost of such work less the amount certified to be paid by the state.

The sum or sums so fixed and appropriated shall be certified to the county board of taxation and shall be included in the assessment of county taxes and shall be assessed, collected and paid over to the county in the same manner and at the same time as other county taxes. If a deficiency shall exist in consequence of the cost and expense exceeding the estimate, or in consequence of the receipt of a lesser sum from the state as its share of the total cost and

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expense than shall have been estimated or fixed, the board of chosen freeholders may borrow, on temporary loans, such deficiency, and shall include the amount thereof with accrued interest in its next annual budget and tax resolution, and it shall be assessed, collected and paid over in the same manner as other taxes, or the deficiency may be raised by an issue of bonds either separately or in conjunction with an issue to pay the cost and expense of improving any other road under this article.

If, for any reason, there be a surplus, it shall be retained and used in the improvement of other roads under this article or in repairs to roads improved under this article.

Historical Note

Source. L.1912, c. 395, § 9, p. 815 [1924 Suppl. § 179-624].

27:14-19. Bond issue instead of tax levy; vote required

The board of chosen freeholders may, instead of certifying to the county board of taxation the county's share of the cost of any work done under this article, as required by section 27:14-18 of this title, by resolution adopted by a vote of at least two-thirds of all its members, issue bonds of the county for its proper share of the cost of the work which shall be an amount not exceeding the total cost of such work, less the amount certified to be paid by the state.

Historical Note

Source. L.1912, c. 395, § 10, p. 816 [1924 Suppl. § 179-625].

27:14-20. Acquisition of land; condemnation; abandonment

When the board of chosen freeholders shall deem it necessary and advisable to acquire land for the purpose of laying out, widening, changing the location of or straightening any road improved or to be improved under this article, all cost and expense of obtaining and acquiring such land by whatsoever method the same may be acquired may be paid out of any moneys applicable for road improvement purposes, or, if there be no money on hand for such purpose, the board may borrow the necessary money on temporary loans, upon the credit of the county, until the next annual taxes shall be levied and collected, or such sum as may be necessary may be raised by an issue of bonds, either separately or in connection with and as part of any other bond issue under the provisions of this article.

The board may agree with the owner of any land required for the foregoing purposes, as to the compensation to be paid by it for a conveyance of the land, but if no agreement can be reached the board may acquire the land by condemnation, in the manner prescribed by law.

The board may vacate any part of a public highway that may be rendered unnecessary for public travel by the widening, straightening, altering or changing of the location thereof.

Historical Note

Source. L.1912, c. 395, § 13, p. 818 [1924 Suppl. § 179-630].

See comment on page 79.

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27:14-21. Certain roads chargeable to county; sidewalks and drains; maintenance

After the approval by the commissioner of a contract under this article for the improvement of a road, the road shall thereafter be a county road.

Any road improved under the provisions of any previous act entitled "An act to provide for the permanent improvement of public roads in this state" and any road accepted by the board of chosen freeholders under the provisions of an act entitled "An act to enable boards of chosen freeholders to accept as county roads, roads or sections of roads, in townships, which have been or shall hereafter be permanently improved without state or county aid," approved March twenty-eighth, one thousand nine hundred and four (L.1904, c. 114, p. 240), or an act entitled "An act to authorize the board of chosen freeholders of any county in this state to acquire, improve and maintain roads lying within the corporate limits of any town, borough, township or village," approved April eighth, one thousand nine hundred and ten (L.1910, c. 121, p. 202), shall be county roads and the duty of keeping them in repair shall devolve exclusively upon the board of chosen freeholders and the county road supervisor, hereinafter provided for, and all other powers and duties respecting such roads shall be imposed upon and vested in the board of chosen freeholders to the exclusion of all municipal officers.

No power conferred on any of said governing bodies shall in any way divest the board of chosen freeholders of its right to construct across or under the sidewalks the necessary culverts or other provisions for the maintenance of such county roads.

If any such road shall become out of repair, and shall not be repaired within sixty days after notice in writing so to do, given by the commissioner to the board of chosen freeholders, or to its director, the commissioner shall certify such neglect or refusal to the state comptroller, who shall withhold payment to the county of any moneys already apportioned, or that may thereafter be apportioned, to the county by the state, and no payment shall be made to the county until the commissioner shall certify to the state comptroller that the road has been placed in a good state of repair.

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27:14–22. Widening roads; state aid; procedure

The board of chosen freeholders may widen any existing road originally constructed or improved under this article, and the commissioner may contribute the state's money toward such widening in the same proportion as in cases of construction or improvement of roads under the provisions of this article. The same procedure required by this article for the original construction or improvement of roads shall be followed in the widening thereof.

The term "widen" as used in this section means reconstruction of the road of a greater width in order to accommodate the public travel over the existing right of way or right of way to be first obtained by the board of chosen freeholders.

Historical Note

Sources. L.1922, c. 57, §§ 1, 2, p. 108 [1924 Suppl. §§ 179–627, 179–628], suppl. to L.1912, c. 395, p. 809.

27:14–23. Copy of all papers filed with commissioner

A true copy of the specifications, bid, contract, bond, justification of surety and summary of all bids received, including any rejected and the cause therefor, certified to be such by the director of the board of chosen freeholders, shall, immediately after the awarding of any contract, be furnished by the board of chosen freeholders to the commissioner to be filed and remain of record in his office.

Historical Note

Source. L.1912, c. 395, § 5, p. 813 [1924 Suppl. § 179–620].

27:14–24. County road supervisor; county engineer; county superintendent of bridges; assistants

After the first county road shall have been constructed under this article in any county, the board of chosen freeholders shall appoint a county supervisor of roads, and a qualified civil engineer as county engineer, and the board of chosen freeholders may appoint a county superintendent of bridges, each of whom, before assuming the duties of his office, shall make and subscribe an oath that he will faithfully perform all the duties of his office to the best of his ability and understanding. Each shall hold office for five years and until his successor is appointed and qualified. He shall give bond to the board of chosen freeholders in the penal sum of one thousand dollars ($1,000.00), conditioned for the faithful performance of the duties of his office with such surety as the board shall approve. The engineer and superintendent of bridges shall receive such compensation for his services as the board shall determine and the supervisor shall receive a salary and allowance for expenses, both fixed by the board. Such compensation or salary shall not be reduced during the engineer's, supervisor's or superintendent's of bridges term of office.

The board of chosen freeholders may appoint an assistant county supervisor of roads and an assistant county superintendent of bridges, who, when appointed, shall hold office for three years and until his successor is appointed and qualified. Each such assistant shall receive such compensation for his services as the board shall determine, which said compensation, when so fixed, shall not be reduced during such assistant's term of office. As amended L. 1948, c. 111, p. 612, § 1.

Effective June 1, 1948.

See comment on page 79.

STATE AID

Present New Jersey Law

Comment

27:14-24.1 Second class counties of 275,000 to 325,000; county road supervisor; tenure; removal

The board of chosen freeholders of any county of the second class having a population of between two hundred and seventy-five thousand and three hundred and twenty-five thousand may, by resolution, provide that the county road supervisor of such county shall continue to be the county road supervisor of such county during good behavior and that he shall not be removed as such county road supervisor except for cause, on notice and after a hearing before said board of chosen freeholders; *provided*, that said county road supervisor has continuously served as such for a period of not less than six years prior to January first, one thousand nine hundred and fifty-one. L. 1951, c. 247, p. 864, § 1.

Effective June 19, 1951.

Title of Act:
An Act concerning certain counties of the second class in relation to road supervisors. L.1951, c. 247, p. 864.

27:14-25. Engineer and road supervisor; removal; procedure; successor

The engineer or supervisor may be dismissed at any time by the board of chosen freeholders after a proper hearing upon proof sustaining, to its satisfaction, charges preferred by it or the commissioner, for incompetency, neglect, disability or other cause. In the event of such dismissal, the board shall immediately appoint a new engineer or supervisor to hold for the full term of five years from the date of appointment.

See comment on page 79.

STATE AID

Present New Jersey Law

27:14–26. Road closed temporarily; procedure

If the commissioner shall deem it necessary to close a road or section thereof being constructed, improved or repaired under this article, in order to permit a proper completion of the work, he shall execute, and file with the clerk of the board of chosen freeholders, a certificate stating the necessity for closing the road and describing the portion thereof to be closed. The board of chosen freeholders shall thereupon close it to public travel by erecting suitable obstructions and posting conspicuous notices to the effect that the road is closed. (Not more than one mile of a road shall be closed at one time.)

Historical Note

Source. L.1912, c. 395, § 17, p. 820 [1924 Suppl. § 179–634].

27:14–27. Authorities may acquire quarries and gravel pits

A board of chosen freeholders or other governing body charged with the construction, maintenance and repair of roads may acquire lands for gravel pits, stone quarries, or other natural deposits of road building materials advantageously located for use in its jurisdiction and make payment therefor from funds available for the construction, maintenance and repair of roads.

Historical Note

Source. L.1912, c. 395, § 28, p. 827 [1924 Suppl. § 179–646].

27:14–28. Authority over trees

When a road plan involving the treatment of trees or forests abutting upon any road improved under the provisions of any prior law providing for the construction, permanent improvement and maintenance of public roads in this state or under the provisions of this article is to be made, the state highway commissioner shall notify the board of conservation and development which shall cause to be prepared such plans and specifications as shall be necessary for the completion of said treatment, the cost of which shall be taken as part of the cost of the road.

In all that relates to the choice, planting or care of trees, the decision of the board of conservation and development, shall be final. In all that affects the location of trees, or the influence upon the road, the decision of the state highway commissioner shall be final.

If the state highway commissioner and a local governing body having authority in respect to roadside trees shall be unable to agree regarding the removal or treatment of any tree standing within the line of a road to be improved, they shall submit the case to the board of conservation and development and its decision shall be final and binding upon all parties.

Historical Note

Source. L.1912, c. 395, § 29, p. 827, as am. by L.1913, c. 317, § 6, p. 648 [1924 Suppl. § 179–647].

Comment

See comment on page 79.

STATE AID

Present New Jersey Law

27:14–29. Applicability of article; road construction by municipalities

The provisions of this article shall extend to townships, towns, boroughs, villages or any municipality.

The governing body, the assessor or assessors, the mayor or other chief executive officer, the clerk and the collector or other financial officer, respectively, of any municipality, shall have the power and shall perform all the duties imposed by this article upon the board of chosen freeholders, the county board of taxation, the director of the board of chosen freeholders, the county clerk and the county treasurer, respectively.

Any municipality may raise by taxation funds with which to pay for the cost of the construction of any road or roads, or may issue bonds for the payment thereof, in the same manner, as nearly as may be, as the board of chosen freeholders may do under this article, it being the expressed intention of this section to confer upon municipalities, full power to improve any road, or section of road, under the provisions of this article, all proceedings conforming, as nearly as may be practicable, to the provisions of this article.

Any such road, or section of road, so constructed by a municipality shall be exclusively under its jurisdiction and control and shall be repaired and maintained by it.

Historical Note

Source. L.1912, c. 395, § 19, p. 821, as am. by L.1921, c. 275, § 8, p. 813 [1924 Suppl. § 179–636], L.1934, c. 57, § 3, p. 161.

27:14–30. Improvement of county roads by boroughs; payment of cost

When a county road or section thereof lies within the corporate limits of a borough, the borough may improve the road or section thereof in the same manner, as nearly as may be, as it could be improved by the board of chosen freeholders under the provision of this article.

The cost of the improvement shall in the first instance be paid by the borough, but the state and county shall, when the road is completed, reimburse and pay the borough such proportionate share of the cost thereof as they would have respectively paid if the road had been improved by the county under this article. The cost shall include interest charges incurred by the borough on temporary loans provided for in section 27:14–31 of this title. The road when improved shall remain a county road.

Historical Note

Source. L.1914, c. 79, § 1, p. 124 [1924 Suppl. § 179–652], suppl. to L.1912, c. 395, p. 809.

27:14–31. Bond issues; reimbursement

The board of chosen freeholders and the borough may issue bonds to meet the cost of the improvement in the same manner and to the same extent that bonds could have been issued if the improvement had been made by the board of chosen freeholders.

Comment

See comment on page 79.

Present New Jersey Law

Comment

The borough may borrow on temporary loans such sums as may be necessary to pay the moneys due under the contract for the improvement until such time as the proportionate shares of the cost thereof shall be received by it from the state and county respectively.

See comment on page 79.

Historical Note

Source. L.1914, c. 79, § 2, p. 124 [1924 Suppl. § 179–653], suppl. to L.1912, c. 395, p. 809.

27:14–32. Consent to improvement by borough

Before an improvement is undertaken by a borough by virtue of the provisions of section 27:14–30 of this title the consent and approval of the commissioner and of the board of chosen freeholders of the county in which the borough is situate shall be obtained. The board of chosen freeholders may agree with the borough as to the time and manner of the payment to the borough of the county's share of the cost of the improvement.

Historical Note

Source. L.1914, c. 79, § 3, p. 125 [1924 Suppl. § 179–654], suppl. to L.1912, c. 395, p. 809.

27:14–33. Joint county improvement; joint committee; plans; bids; contract

The boards of chosen freeholders of two or more counties may agree, by resolution passed separately by each board, to improve, under the provisions of this article a road in whole or in part, which is on the dividing line or runs into or through such counties. They shall make all necessary surveys and prepare proper plans, cross sections and specifications, which, on approval by resolution passed separately by each board, shall be certified to the commissioner for action thereon.

If approved by the commissioner each board shall appoint members thereof to serve as a joint committee to advertise for and receive bids for the work, as provided in this article. The bids shall be opened and read in public meeting and thereafter the members of the joint committee shall report the amount of the bids with recommendations to their respective boards. The contract shall be awarded, by resolution of each board voting separately, to the lowest responsible bidder, and shall be approved or rejected, as provided in this article, by the commissioner.

As nearly as may be possible, all proceedings, concerning improvements under this section, shall conform to those prescribed in this article.

Historical Note

Source. L.1912, c. 395, § 18, p. 820 [1924 Suppl. § 179–635].

Notes of Decisions

1. Petition

The petition of the freeholders for laying out a road in two counties, must be signed by ten freeholders in each county. In re Road, 7 N.J.L. 36. Contra, In re Highway, 3 N.J.L. 665, 666.

STATE AID

Present New Jersey Law

Comment

27:14–34. Joint county improvement; apportionment of cost; tax levy; bonds

The contract awarded shall specify the proportion of the cost of the improvement, exclusive of the state's share, each county is to bear and each county shall be liable for that amount alone. Of the share of the cost of the improvement paid by the state, each county shall receive such proportionate part as it bears of the cost of the improvement to the counties and in the manner specified for payment to a county for road improvement within its own territory.

If, in the judgment of any of the boards, parties to the agreement, the burden of the cost of the improvement provided for in section 27:14–33 of this title is too great to incorporate in the annual tax levy for any one year in that county, such board, by a resolution adopted by a vote of at least two-thirds of its members, may raise the sum necessary for the payment of its share of the cost by an issue and sale of bonds.

Historical Note

Source. L.1912, c. 395, § 18, p. 820 [1924 Suppl. § 179–635].

27:14–35. Grade of road and sidewalks; work done by municipalities

When a public road has or shall have been improved under the provisions of this article and in the course of the improvement the grade of the roadbed shall have been or shall be changed so that it shall not conform to the grade of the remaining portion of the road, including the sidewalks, the authorities of each municipality through which the road passes may cause the remaining portion of the road within the limits of the municipality to be graded and formed so as to conform in grade to that established for the roadway constructed under the provisions of this article, and may cause the work to be done under the proceedings and in the manner provided by law in their several municipalities for the grading of the streets thereof.

27:14–36. Restrictions on municipal improvements

The proper authorities of any municipality through which any such road runs may make any municipal improvement upon or within the road within the limits of the municipality which may be authorized by law to be made in any of the other public streets or roads of the municipality, but no such improvement shall be made by the municipal authorities which may interfere with or impair the roadway improved under the provisions of this article without the approval and consent of the board of chosen freeholders of the county within which the road is located.

See comment on page 79.

STATE AID

Present New Jersey Law

Comment

27:14–37. Payment by municipalities; assessments for benefits

The cost and expense of any of the public improvements authorized by sections 27:14–35 and 27:14–36 of this title shall, as far as possible, be assessed upon the real estate specially benefited by the improvement in proportion to and not in excess of the benefit received. The assessment shall be made in the manner and under the procedure provided by law for the making of other assessments for street improvements within the municipality.

Nothing in this article shall impose upon any municipality therein referred to any part of the cost of the maintenance and repair of the roadway of any road improved under the provision of this article.

See comment on page 79.

27:14–38. Improvement by property owners at own expense; contract; approval by county

If all the owners of property abutting on any road or highway which has not been improved or is not undergoing improvement, desire the road or any section thereof to be improved, and shall certify in writing to the board of chosen freeholders of the county, that they are willing to bear the entire expense thereof, the county engineer or another competent engineer, shall prepare plans, cross sections and specifications for the work and shall submit them to the property owners. If the property owners are satisfied with the plans, cross sections and specifications they may enter into contract for such work, but the contract shall first be submitted to the board of chosen freeholders for its approval.

27:14–39. Completed road taken over by county; engineer's compensation

Upon the completion of the work to the satisfaction of the county engineer and the board of freeholders, and upon the submission to the board of proper receipts showing full payment for all work done, the board may by resolution declare the road or any portion thereof to be a county road. The county engineer shall be paid a reasonable fee for supervising the work, to be paid by the property owners.

STATE AID

Present New Jersey Law

Comment

27:14–40. Change of location of road

The location of any portion of the road may be changed, if deemed desirable, upon obtaining the consent in writing of the owners of land abutting on the portion of the road to be changed, and upon acquiring, without expense to the county, the land necessary for the change.

Historical Note

Source. L.1912, c. 395, § 14, p. 818, as am. by L.1921, c. 275, § 7, p. 812 [1924 Suppl. § 179–631].

See comment on page 79.

27:14–41. Approaches to properties; payment by county

The board of chosen freeholders may lay out, open, construct and improve, when such contemplated work is shown on the approved plans and cross sections, all necessary approaches to any properties along the line of such road which may have been destroyed or damaged by any alteration in the existing grade, whether within or without the line of the road, and all costs and expenses incurred therefor shall be paid by the board in the same manner as other work done under this article.

Historical Note

Source. L.1912, c. 395, § 15, p. 819 [1924 Suppl. § 179–632].

27:14–42. Improvement of roads along state property; payment by state body

When a public road is sought to be improved under the provisions of section 27:14–38 of this title, and property of the state fronts or borders thereon, the board of managers or other body having the control and management of such property may consent to the improvement of the road, and may enter into contract therefor in the manner provided by said section 27:14–38 and pay for the improvement out of any moneys appropriated to it.

Historical Note

Source. L.1912, c. 395, § 16, p. 819 [1924 Suppl. § 179–633].

27:14–43. Improvement of full width road at request of property owners

When the owners of fifty-one per cent of the frontage of property abutting a road proposed to be improved by a board of chosen freeholders under the authority of this article, petition the governing body of the municipality in which their property and the road or section thereof proposed to be improved is situate, praying that the road or section thereof be improved and paved for its entire width from gutter to gutter, and agreeing to pay the entire added cost due to the increased width of improvement and pavement, the governing body may, with the consent of the commissioner contract with the board of chosen freeholders to pay such additional cost.

Present New Jersey Law

Comment

The contract shall fix and prescribe the time and manner of payment of the added cost by the municipality to the county. The cost and expense so contracted to be paid by the municipality shall be assessed and collected by the municipality upon and from the real estate abutting upon the road or section of road so improved in the same manner as other assessments for benefits for improvements in the municipality.

If the improvement contemplated is being undertaken by municipal instead of county authority, the extended improvement shall be authorized by the petition herein provided for, the consent of the authorities of the municipality and the consent of the commissioner, and the additional cost shall be assessed and collected as herein provided.

Historical Note

Source. L.1912, c. 395, § 24, p. 824, as am. by L.1913, c. 317, § 5, p. 647 [1924 Suppl. § 179-641].

27:14-44. Repair and maintenance; funds; how raised

The board of chosen freeholders shall appropriate all moneys necessary to keep the roads constructed under this article in good repair and free from obstruction, and if the board shall have no money which may be lawfully used for such purposes, it may borrow it on the credit of the county, until the next annual taxes shall have been levied and collected.

The cost of all repairs and removal of obstructions shall be paid by the county treasurer upon the order of the board, and all bills for repairs and removal of obstructions shall be verified by affidavit and certified to be correct by the county supervisor of roads.

Historical Note

Source. L.1912, c. 395, § 12, p. 817, as am. by L.1913, c. 317, § 4, p. 646, L.1921, c. 275, § 6, p. 811 [1924 Suppl. § 179-629].

27:14-45. Maintenance of roads built by freeholders within certain cities

When a road or section of road constructed by the board of chosen freeholders prior to March twelfth, one thousand nine hundred and thirteen, lies within the corporate limits of a city having a population in excess of twelve thousand, it shall be exclusively under the jurisdiction and control of the city, and shall be repaired and maintained by it, but this provision shall not extend to roads maintained under sections 27:17-2 to 27:17-13 of this title.

Historical Note

Source. L.1912, c. 395, § 20, p. 822, as am. by L.1913, c. 62, § 1, p. 97 [1924 Suppl. § 179-637].

See comment on page 79.

Present New Jersey Law

Comment

27:14–46. Maintenance and repair of roads leading to state institutions

The commissioner may improve and keep in repair any road, or section thereof, leading up to any institution, park or reservation maintained wholly by the state, and cause plans and specifications therefor to be made. Any such improvement shall be made in accordance with the provisions of this article and the payment of the cost of the improvement and the repair of such road after improvement shall be paid out of any appropriation made for the improvement and maintenance of roads authorized to be improved or maintained under this article, or for the repair of said roads, out of any moneys derived by the commissioner pursuant to any law. All such payments shall be made out of the state treasury, on the warrant of the comptroller, on bills duly approved by the commissioner.

Nothing in this article shall prevent the improvement or maintenance by the commissioner of any city street which leads up to any such institution, park or reservation.

Historical Note

Source. L.1913, c. 205, § 1, p. 369, as am. by L.1916, c. 28, § 1, p. 53 [1924 Suppl. § 179–650], suppl. to L.1912, c. 395, p. 809.

27:14–47. Extraordinary repairs or reconstruction; approval

When an improved public road is in need of extraordinary repairs or reconstruction, the public body charged with its care shall prepare specifications and any plans and cross sections necessary to explain and describe the repairs contemplated and forward them to the commissioner, who may in his discretion approve them and certify the amount of state moneys he will set aside for the repair of such roads.

Upon the approval and issuance of the certificate of the commissioner as provided in this article, the public body shall advertise for bids and thereafter proceed as provided in this article.

Historical Note

Source. L.1912, c. 395, § 27, p. 826, as am. by L.1917, c. 43, § 1, p. 76, L.1919, c. 10, § 1, p. 27 [1924 Suppl. § 179–645].

Notes of Decisions

1. Construction and application

This section gave boulevard commissioners of a county power to repair a boulevard. McCarty v. Boulevard Com'rs of Hudson County, 91 N.J.L. 137, 106 A. 219, affirmed 92 N.J.L. 519, 106 A. 891.

Reconstruction is on the one hand closely associated with idea of repairs, and on the other, sharply contrasted with idea of construction, and section is not a grant of power to reconstruct county roads in broad sense of term. Godfrey v. Board of Chosen Freeholders of Atlantic County, 90 N.J.L. 517, 101 A. 57.

See comment on page 79.

Present New Jersey Law

Comment

27:14–48. Extraordinary repairs; payment of cost; state aid

If the public body referred to in section 27:14–47 of this title shall not have sufficient funds with which to pay its share of the cost of such repairs, it may issue bonds in a sum not exceeding the sum to be advanced by the commissioner for and towards such repairs as stated in its certificate, to defray and pay its share of the costs.

The commissioner may, in his discretion, approve and permit the use of not more than fifty per cent of the motor vehicle fund allotment made by the state to the counties each year to be used toward the payment of interest on such bonds, and for the retirement of such bonds, except that he shall not permit the use of the state motor vehicle funds for such purposes in an amount which, if subtracted from the total allotment by the state to the county would, in the opinion of the commissioner, leave an amount insufficient for the proper repair and maintenance of the other existing county roads.

No motor vehicle funds shall be used for any work or contract performed or entered into by a county prior to March twenty-sixth, one thousand nine hundred and nineteen.

Historical Note

Source. L.1912, c. 395, § 27, p. 826, as am. by L.1917, c. 43, § 1, p. 76, L.1919, c. 10, § 1, p. 27 [1924 Suppl. § 179–645].

27:14–49. Municipality may borrow certain amount for road repairs; repayment

When the commissioner shall issue to a municipality or public body charged with the maintenance of any improved roads, his certificate setting forth the amount set aside by him for the repair of any such road, from moneys under his control available for road repairs, the body having control of the finances of the municipality or public body may borrow money on temporary loan to an amount not to exceed the amount named in such certificate in anticipation of the payment of the amount named in such certificate to the municipality or public body in accordance with the provisions of this article, and may apply the proceeds of the loan to the payment of the cost of the repairs of such road. The temporary loan shall be repaid upon payment to the municipality or public body of the sum in anticipation of payment of which the loan was made.

Historical Note

Source. L.1915, c. 258, § 1, p. 461 [1924 Suppl. § 179–657], suppl. to L.1912, c. 395 p. 809.

See comment on page 79.

STATE AID

Present New Jersey Law

Comment

STATE AID TO MUNICIPALITIES

27:15-1. Amount available; use of funds; notice; budget, inclusion in; standards

A. There shall be set aside annually on October first or as soon thereafter as available from the net receipts of the motor vehicle revenues in the General State Fund the sum of three million, nine hundred fifty thousand dollars ($3,950,000.00) and such additional amounts as may be necessary to meet the requirements of subsection E of this section. Such sums shall be used to meet the State's share of the cost of the work as in this chapter prescribed. Payments from these amounts shall be made in the same way as other payments from the motor vehicle revenues.

B. As used in this chapter.

"Municipality" means any city, town, township, borough or village in this State;

"Municipal roads" means the public roads or streets of any municipality as hereinabove defined.

C. The sums set aside as hereinabove provided shall be made available by the State Highway Commissioner to the several municipalities in the State in the manner, to the extent and in the proportion herein provided, for the construction, reconstruction, grading, drainage, maintenance, lighting or repair of municipal roads, or any other purpose permitted by this chapter.

D. On or before December tenth of each year the State Highway Commissioner shall notify the governing body of each municipality of the amount of State aid available for such municipality for the purposes hereinabove provided, and applicable to the ensuing calendar year. Except as provided in subsection E of this section: the amount of such State aid to any municipality shall be such as shall result from the application of the average of the following two percentages, namely:

(1) The percentage of population in such municipality to the total population of the State based upon the latest official Federal census; and

(2) The percentage of municipal road mileage in such municipality to the total municipal road mileage in the State;

to the sum of three million, nine hundred fifty thousand dollars ($3,950,000.00) set aside in accordance with the provisions of this section; *provided, however*, that the amount of such State aid available hereunder to any municipality in any year shall in no event be less than the average annual amount of State aid allotted to such municipality under the provisions of this chapter during the ten-year period commencing with the calendar year one thousand nine hundred and thirty-six; nor more than either such average annual amount or thirty-eight per centum (38%) of the average annual expenditures of such municipality, exclusive of State aid, as shown in the annual budgets of such municipality, for the purposes hereinabove provided, during the five-year period commencing with the calendar year one thousand nine hundred and forty-one, whichever is the greater.

E. The total amount of such State aid available to all municipalities in any county of the State, for the purposes hereinabove provided, shall not, in any year, be less than the sum of one hundred fifty thousand dollars ($150,000.00).

If, in any year, the total amount of such State aid available to all municipalities in any county of the State shall, as determined by the method prescribed in subsection D of this section, be less than the sum of one hundred fifty thousand dollars ($150,000.00), then the amount which shall be available to each municipality in such county, as determined by the method prescribed in subsection D of this section, shall be increased proportionately so that the aggregate amount of such State aid available to all of the municipalities in such county shall total one hundred fifty thousand dollars ($150,000.00).

F. It shall be lawful for each municipality to include the amount of such State aid made available for it in its budget. All such amounts shall be available to the State Highway Commissioner for allotment to said municipalities in accordance with the provisions of this chapter. Commitments may be made, subject to the provisions of this chapter, against said amounts by said municipalities, immediately after the beginning of the calendar year next ensuing the date of notification by the State Highway Commissioner as required by the provisions of subsection D of this section.

G. All roads, works and improvements constructed or reconstructed in any municipality with State aid under this chapter shall be maintained by such municipality in accordance with such standards as the State Highway Commissioner shall prescribe. As amended L.1944, c. 110, p. 283, § 1; L.1947, c. 202, § 1.

See comment on page 79.

STATE AID

Present New Jersey Law

27:15–1.1 Schedule; official map; filing

The governing body of any municipality desiring to avail itself of the State aid provided in section 27:15–1 of the Revised Statutes shall, on or before the first day of March following receipt of the notification of amount of State aid available to it as provided for in said section, file with the State Highway Commissioner a schedule, approved by resolution of the governing body of such municipality, setting forth all work proposed to be undertaken by such municipality in which all or any part of such State aid is to be used, together with the respective estimated costs thereof. When requested by the State Highway Commissioner, any such municipality shall file with said commissioner the latest official map of such municipality showing all municipal roads of such municipality and indicating those which are improved and those which are unimproved, setting forth the mileage of each. L.1947, c. 62, p. 205, § 2, supplementing Title 27, c. 15.

27:15–1.2 Extension of date for filing schedule

The State Highway Commissioner may, on application of any municipality, extend the date for filing the schedule referred to in section two hereof.[1] L.1947, c. 62, p. 205, § 3, supplementing Title 27, c. 15.

[1] Section 27:15–1.1.

27:15–1.3 Standards of work

All work undertaken by any municipality, in which all or any part of the State aid, provided in section 27:15–1 of the Revised Statutes is used, shall be performed in accordance with such standards as the State Highway Commissioner shall prescribe. L.1947, c. 62, p. 205, § 4, supplementing Title 27, c. 15.

27:15–1.4 Schedule; engineering and planning work by municipality

In any case where any such State aid is to be expended for construction or reconstruction work, the schedule referred to in section two hereof[1] shall provide for any necessary engineering and planning work to be performed by the municipality. L.1947, c. 62, p. 205, § 5, supplementing Title 27, c. 15.

[1] Section 27:15–1.1.

27:15–1.5 Width of road, state aid regardless of

In any case where any such State aid is to be expended for the construction of any municipal road between curbs and gutters, where such curbs and gutters have heretofore been laid at the cost of the municipality and are in existence at the time the schedule referred to in section two hereof[1] is filed, the State shall participate, within the limits of such State aid herein prescribed, in the entire cost of the construction of the road between the gutters regardless of the width thereof. L.1947, c. 62, p. 206, § 6, supplementing Title 27, c. 15.

[1] Section 27:15–1.1.

27:15–1.6 Work and costs to be included

In any case where any such State aid is to be expended for construction work, such work shall include, in addition to constructing the road, the survey and preparation of plans, profiles and cross sections, the grading and drainage of the road and the construction of the necessary culverts and bridges, the construction and maintenance of which is by law imposed upon the municipal authorities, together with the cost of necessary embankments and retaining walls, engineering fees and the cost of the acquisition of the necessary rights of way. L.1947, c. 62, p. 206, § 7, supplementing Title 27, c. 15.

27:15–1.7 Plans and specifications

In any case where any such State aid is to be expended for construction or reconstruction work, there shall be filed by the municipality with the State Highway Commissioner plans and specifications therefor, approved by resolution of the governing body of such municipality; and no such construction or reconstruction work shall be undertaken by such municipality unless such plans and specifications therefor have been approved by the State Highway Commissioner. L.1947, c. 62, p. 206, § 8, supplementing Title 27, c. 15.

Comment

See comment on page 79.

STATE AID

Present New Jersey Law

27:15–1.8 Time of disbursement to municipality; report; deduction of amount unexpended; reserve

On or before the thirtieth day of June following the filing of a schedule by any municipality as required pursuant to the provisions of section two hereof,[1] there shall be disbursed to such municipality, out of the amount of State aid made available to it pursuant to the provisions of section 27:15–1 of the Revised Statutes, in accordance with such regulations as the State Highway Commissioner shall prescribe, the State's share of the cost, as shown in such schedule, for maintenance, lighting and repair of the municipal roads of such municipality.

During the month of January in the year following that in which such State aid was disbursed, such municipality shall file with the State Highway Commissioner a report, on such form as the commissioner shall prescribe. Such report shall include a statement setting forth all expenditures made by such municipality out of, or obligations incurred by it against, such State aid. In the event that any part of such State aid has not been expended for any of the aforementioned purposes, and is not required to meet obligations incurred for any of such purposes against such State aid, the State Highway Commissioner shall deduct an amount equal to such amount unexpended and not required to meet such obligations, from any amount of State aid made available to such municipality in accordance with the provisions of section 27:15–1 of the Revised Statutes and applicable to the calendar year in which the report mentioned in this paragraph is made. The State Highway Commissioner shall cause the amount so deducted to be reserved to the credit of such municipality in the same manner, and subject to the same terms, as if such municipality had requested such reservation, prior to disbursement to it of such amount, in accordance with the provisions of section thirteen of this act.[2] L.1947, c. 62, p. 206, § 9, supplementing Title 27, c. 15.

1 Section 27:15–1.1.
2 Section 27:15–1.12.

27:15–1.9 Approval of disbursement; application; disbursement during work

Disbursement of all or any part of the amount of State aid made available to any municipality pursuant to the provisions of section 27:15–1 of the Revised Statutes and required in the construction or reconstruction of municipal roads in such municipality shall be made on approval by the State Highway Commissioner of the application of such municipality therefor directed to him. The application shall be made on such form as the State Highway Commissioner shall prescribe, and shall include a statement setting forth the work performed and the detailed cost thereof. Disbursement may be made, under such regulations as the State Highway Commissioner shall prescribe, during the progress of such work, final payment to be made upon completion thereof, but such regulations shall not require the withholding of a larger percentage from the contractor pending and upon completion of the contract than is authorized in the case of State contracts pursuant to section 27:7–34 of the Revised Statutes. L.1947, c. 62, p. 207, § 10, supplementing Title 27, c. 15, as amended L.1958, c. 7, p. —, § 3.

Effective April 1, 1958.

27:15–1.10 Maximum percentage of State's share

The State's share of the cost of any work undertaken pursuant to the provisions of this act[1] shall not exceed ninety per centum (90%) of the total cost of such work. L.1947, c. 62, p. 208, § 11, supplementing Title 27, c. 15.

1 Sections 27:15–1 to 27:15–1.17.

Comment

See comment on page 79.

STATE AID

Present New Jersey Law

27:15–1.11 Board of chosen freeholders of county; contract with municipality for work, approval

Any municipality which has filed a schedule with the State Highway Commissioner, as required pursuant to the provisions of section two hereof,[1] may request the board of chosen freeholders of the county wherein such municipality is situated to perform any or all of the work proposed to be performed on the part of such municipality by such schedule, whereupon such board of chosen freeholders shall, if it agrees to so perform such work, enter into a written agreement with such municipality.

Such agreement shall set forth the work to be performed by such board and the amounts, exclusive of State aid available to such municipality for such work, to be borne by the board and the municipality respectively. The amount required to be so borne by the municipality shall be paid by it to the board prior to the commencement of such work. Upon receipt by such municipality of any amounts of State aid disbursed by the State Highway Commissioner for such work, such municipality shall thereupon pay the same forthwith to said board of chosen freeholders.

Any such agreement entered into between said board and municipality shall become effective only upon approval thereof by the State Highway Commissioner, whereupon the work of said board required pursuant to such agreement shall be performed by it in accordance with such regulations as the State Highway Commissioner shall prescribe. L.1947, c. 62, p. 208, § 12, supplementing Title 27, c. 15.

1 Section 27:15–1.1.

27:15–1.12 Reserve to credit of municipality of state aid available

Notwithstanding the provisions of any other law to the contrary:

Any municipality may, on or before the first day of March following receipt of the notification provided for in subsection D of section 27:15–1 of the Revised Statutes, submit to the State Highway Commissioner a written request to reserve to the credit of such municipality all or any portion of the State aid made available to it pursuant to such notification; such amount of State aid to be used by such municipality, during any of the three calendar years next ensuing the receipt of such notification, for any of the purposes, and in accordance with the provisions, of this act.[1]

Such request shall contain a statement to the effect that such municipality does not intend to use such amount of State aid during the year in which the same is made applicable pursuant to the provisions of section 27:15–1 of the Revised Statutes. Upon receipt of such request, the State Highway Commissioner shall cause to be reserved to the credit of such municipality said amount of State aid; and such amount may be used by such municipality for any of the purposes and in accordance with the provisions of this act, during any of the three calendar years next ensuing the receipt of the notification provided for in subsection D of section 27:15–1 of the Revised Statutes. Any amount of the sum so reserved to the credit of such municipality remaining unused by such municipality at the expiration of such three-year period shall lapse and become part of the motor vehicle revenues in the General State Fund. L.1947, c. 62, p. 209, § 13, supplementing Title 27, c. 15.

1 Sections 27:15–1 to 27:15–1.17.

27:15–1.13 Undistributed amount to lapse unless reserved

Notwithstanding the provisions of any other law to the contrary:

Unless reserved as provided in this act,[1] any amount of the State aid made available to any municipality pursuant to the provisions of section 27:15–1 of the Revised Statutes remaining undistributed to such municipality at the expiration of the calendar year in which the same is by said sections applicable and not required to meet any obligations incurred during said year by such municipality under said allotment, shall lapse and become part of the motor vehicle revenues in the General State Fund. L.1947, c. 62, p. 209, § 14, supplementing Title 27, c. 15.

1 Sections 27:15–1 to 27:15–1.17.

Comment

See comment on page 79.

STATE AID

Present New Jersey Law

Comment

27:15–1.14 Additional amount annually from motor vehicle revenues for construction and reconstruction of municipal roads

A. Exclusive of the sum set aside in accordance with the provisions of section 27:15–1 of the Revised Statutes, there shall be set aside annually on October first, as soon thereafter as available from the net receipts of the motor vehicle revenues in the General State Fund the sum of two million one hundred thousand dollars ($2,100,000.00), which shall be used to meet the State's share of the cost of the work hereinafter in this section prescribed during the calendar year next ensuing the setting aside of such sum. Payments from these amounts shall be made in the same way as other payments from the motor vehicle revenues.

B. The State Highway Commissioner shall reserve from the sum set aside in accordance with the provisions of subsection A of this section the sum of one hundred thousand dollars ($100,000.00) to meet the State's share in each county during such ensuing calendar year. The sum so reserved shall be made available by the State Highway Commissioner to the several municipalities in such county in the manner prescribed in this section, for the construction or reconstruction of municipal roads.

C. Any municipality may on its own motion apply to the State Highway Commissioner for aid in construction or reconstruction under this section. The application shall be on such form as the commissioner shall prescribe and may be passed by resolution of the governing body of the municipality at any meeting. It shall set forth the road or roads on which it is proposed that the work shall be done and the beginning and ending points of such work, and the amount of money the governing body may be authorized to spend on such work, including contributions thereto. The State Highway Commissioner shall decide which of such applications in any county will best serve the interests of the municipality, county and State. He shall, upon approval of any such application, notify the governing body of the munici-

27:15–1.15 Repeal; existing agreements

Sections 27:15–2 to 27:15–6, inclusive, 27:15–9 to 27:15–15, inclusive, and 27:15–18 of the Revised Statutes and "An act concerning highways, and supplementing chapter fifteen of Title 27 of the Revised Statutes," passed June twenty-second, one thousand nine hundred and forty-two (P.L.1942, c. 261),[1] are hereby repealed; *provided, however*, that the provisions thereof shall continue to apply with full force and effect to any work, or any agreement with respect thereto, undertaken or to be undertaken, or entered into, pursuant to the provisions of such sections, with State aid therefor apportioned or distributed or to be apportioned or distributed from net receipts of the motor vehicle revenues set aside prior to the first day of January, one thousand nine hundred and forty-seven, or from any sum appropriated to carry out the purposes and provisions of "An act concerning county and municipal budgets," approved February thirteenth, one thousand nine hundred and forty-seven (P.L.1947, c. 4).[2] L.1947, c. 62, p. 213, § 16, supplementing Title 27, c. 15.

1 Sections 27:15–6.1, 27:15–6.2.
2 Section 40:2–28 note.

27:15–1.16 Repeal

The following act is hereby repealed: "An act concerning State aid for the construction, reconstruction, grading, drainage, maintenance and repair of certain city, town, township, village and borough roads, and amending section 27:15–1 of the Revised Statutes," approved April thirtieth, one thousand nine hundred and forty-six (P.L.1946, c. 196).[1] L.1947, c. 62, p. 213, § 17, supplementing Title 27, c. 15.

1 Amendment to § 27:15–1.

27:15–1.17 Effective date

This act[1] shall take effect on the thirtieth day of June, one thousand nine hundred and forty-seven. L.1947, c. 62, p. 213, § 18, supplementing Title 27, c. 15.

1 Sections 27:15–1 to 27:15–1.17.

See comment on page 79.

STATE AID

Present New Jersey Law

Comment

27:15–7. Method of raising money; taxation and bond issue

The governing bodies of the municipalities may raise the funds necessary for the work contemplated by this chapter by taxation, by assessment in the manner provided for assessing local improvements under chapter 56 of the Title Municipalities and Counties (Par. 40:56–1 et seq.) or by temporary loans. The amount of the temporary loans and the interest thereon until the time of payment shall be included in the tax levy of the year following that in which the indebtedness is incurred.

Any municipality may accept contributions from any person toward meeting its share of the cost of this work. The financial officer of the municipality shall receive such contributions and properly credit them.

When the cost of the work exceeds the sum of ten thousand dollars the municipality may issue bonds therefor in the manner provided by Article 1 of chapter 1 of the Title Municipalities and Counties (Par. 40:1–1 et seq.). As amended L.1938, c. 403, p. 1191, § 1.

Approved Oct. 21, 1938. Effective Oct. 21, 1938.

See comment on page 79.

27:15–8. Acquisition of lands; width of right of way

Any municipality may acquire any land necessary for straightening or relocating any road on which work is to be done under this chapter by gift, grant, demise, purchase, or by condemnation in the manner provided by law.

All roads on which work may be done under this chapter shall have a right of way not less than thirty-three feet wide.

27:15–16. Use of moneys for road lighting, traffic lights, underpasses and overpasses

Such funds as are made available pursuant to this chapter may be utilized for the lighting of the roads mentioned in this chapter, including the construction of traffic lights, and for the construction of underpasses and overpasses for school children, where such underpasses or overpasses may be deemed necessary by the joint action of the governing body of any municipality and the State Highway Commissioner. The installation of any traffic lights pursuant to the provisions of this section shall first be approved by the Director of Motor Vehicles. As amended L.1955, c. 73, p. 238, § 1.

Effective June 16, 1955.

27:15–17. "Unimproved road" defined

Whenever the words "unimproved road" are used in chapter fifteen, Title 27 of the Revised Statutes they shall mean any road, which in the opinion of the State highway engineer, is unsuitable for present day traffic. L.1938, c. 362, p. 917, § 1.

Approved June 14, 1938. Effective June 14, 1938.

Present New Jersey Law

Comment

27:15–18. Repealed. L.1948, c. 124, p. 842, § 2. Eff. June 12, 1948

Repeal. Section 16 of Laws 1947, c. 62, effective June 30, 1947, purported to repeal section "27:15–18 of the Revised Statutes". However, section "27:15–18" did not appear in the Revised Statutes of 1937, but was derived from Laws 1939, c. 380, § 1. For text of Laws 1947, c. 62, concerning state aid to municipalities for the construction, maintenance, etc. of municipal roads, see §§ 27:15–1, 27:15–1.1 to 27:15–1.17.

27:15–19. Unused moneys appropriated for road and street maintenance; use for improvements

Where moneys were, prior to the first day of March, one thousand nine hundred and forty-seven, appropriated by law for the maintenance of city, town, township, borough and village roads and streets, and any part of such moneys remains reserved, unused, and unobligated, and local conditions indicate that it would be more economical and advantageous to use these funds for new construction, reconstruction, betterment or improvement of said roads and streets, the State Highway Commissioner, upon application of the municipality, may permit the use of such remaining funds for the aforesaid purposes. L.1948, c. 124, p. 842, § 1.

Effective June 12, 1948.

Title of Act:

An Act authorizing the State Highway Commissioner to permit the use, for new construction, reconstruction, betterment, or improvement of municipal roads and streets, of moneys appropriated for municipal road and street maintenance prior to March first, one thousand nine hundred and forty-seven, and repealing "An act authorizing municipalities in certain counties to use moneys appropriated for road and street maintenance for general road and street improvements in such municipalities, subject to the approval of the State Highway Commissioner," approved November eighteenth, one thousand nine hundred and thirty-nine. (P.L.1939, c. 380). L.1948, c. 124, p. 842.

27:15–20. Repeal

"An act authorizing municipalities in certain counties to use moneys appropriated for road and street maintenance for general road and street improvements in such municipalities, subject to the approval of the State Highway Commissioner," approved November eighteenth, one thousand nine hundred and thirty-nine, is repealed.[1] L.1948, c. 124, p. 842, § 2.

1 Section 27:15–18.

See comment on page 79.

EMERGENCY RELIEF TO COUNTIES

Present New Jersey Law

Comment

STATE AID FOR ROADS AND BRIDGES [NEW]

27:15A–1. State Highway Commissioner authorized to approve applications for state aid in repairing certain county roads or bridges

Whenever any appropriation is made in any general or special appropriation bill for the purpose of defraying, or reimbursing the various counties for, all or any part of the cost of repairing damage to, or replacing, improved county public roads or improved county bridges, damaged or destroyed by reason of unusual storm, floods, or other abnormal conditions, creating an emergency with respect to public travel in the affected areas in said counties, the State Highway Commissioner is empowered and directed to receive, consider and approve applications of the various counties of this State for State assistance in the repair or replacement of said public roads and public bridges from the funds so appropriated. L.1946, c. 301, p. 1002, § 1, as amended L.1947, c. 127, p. 598, § 1.

Effective May 7, 1947.

Title of Act:
An Act concerning State aid to the various counties in the cost of repairing damage to, and replacing, certain improved county roads or improved county bridges. L.1946, c. 301, p. 1002.

27:15A–2. Application by board of chosen freeholders

The board of chosen freeholders of any county, in which any such damage was caused to the public roads or public bridges of the county, may file an application for such State assistance with the State Highway Commissioner. L.1946, c. 301, p. 1002, § 2.

Effective May 6, 1946.

27:15A–3. Application; plans and specifications

Such application shall contain a brief description of such damage to the public roads or public bridges and shall be accompanied by plans and specifications for the repair of the damage, or the replacement of such roads or bridges, or in accordance with which such damage was repaired or the same replaced, which said plans and specifications shall have been approved by the county engineer of the county affected. L.1946, c. 301, p. 1002, § 3.

27:15A–4. Approval or disapproval within thirty days.

The State Highway Commissioner, within thirty days from the date of the filing of any such application by any county so affected, shall either approve the same or disapprove and return the same with reasons for disapproval after which the application may be resubmitted by the county to which it has been returned and may be acted upon in the same manner as if originally filed in the amended or corrected form. L.1946, c. 301, p. 1003, § 4.

27:15A–5. Certification of amount set aside; limitation

Upon the approval of any such application, the State Highway Commissioner is hereby empowered and authorized in his discretion to certify the amount of State moneys which he will set aside, and pay to the said county, for or on account of the repair or replacement of such roads or bridges up to an amount not exceeding seventy-five per centum (75%) of the total cost thereof. L.1946, c. 301, p. 1003, § 5.

27:15A–6. Commissioner to supervise or approve work

All work undertaken under this chapter by any county and approved by the State Highway Commissioner shall be done under the supervision and control of the State Highway Commissioner or, if already performed, shall be approved by him and no funds shall be disbursed except with, and upon, the approval of the State Highway Commissioner. L.1946, c. 301, p. 1003, § 6.

No change suggested for these sections.

EMERGENCY RELIEF TO COUNTIES

Present New Jersey Law	Comment
27:15A–7. Expenditures authorized; filing of resolution Upon the approval of any application herein contemplated by the State Highway Commissioner, the board of chosen freeholders of any such county may by resolution authorize the expenditure and disbursement by the county treasurer of the difference between the total cost of such repairs and the amount of State assistance certified by the State Highway Commissioner for such repairs, irrespective of whether or not any funds shall have been appropriated for said purpose in the budget of said county during the year when said application shall have been approved by the State Highway Commissioner. A copy of such resolution, certified by the clerk to the board of chosen freeholders of any such county, shall be filed with the Division of Local Government in the State Department of Taxation and Finance within three days after passage and no further approval for the expenditure of the funds in such resolution shall be necessary from the Division of Local Government in the State Department of Taxation and Finance. L.1946, c. 301, p. 1003, § 7.	No change suggested.

RIGHT OF WAY

Present New Jersey Law	Comment
27:7-22. Acquisition of land; condemnation; right of entry The commissioner may acquire lands or rights therein by gift, devise or purchase, or by condemnation in the manner provided in chapter 1 of the title Eminent Domain (§ 20:1-1 et seq.), and enter upon and take property in advance of making compensation therefor where for any reason he cannot acquire the property by agreement with the owner. Upon the commissioner exercising the right of condemnation and entering upon and taking land in advance of making compensation therefor, he shall present a petition, and proceedings shall be had to fix the compensation, to be paid to the owner, as provided in said chapter 1 of the title Eminent Domain.	This section should be amended by vesting the State Highway Commissioner with authority to acquire land for future highway use. Provision should also be made for the establishment of a special revolving fund to sustain the program of advance acquisition. (See statement on page 21.)
27:7-22.1 Land acquired subject to restrictions; release of restrictions by commissioner In all cases where the State of New Jersey has received or shall hereafter receive a conveyance of land subject to restrictions as to the use thereof (except for highway purposes) and the grantor named in such conveyance or his successors in title shall release the land from such restrictions, or where the owners of all other lands subject to the said restrictions shall release the land therefrom, then and in that event the State Highway Commissioner may by good and sufficient conveyance in the law release the said lands from said restrictions. L.1946, c. 294, p. 989, § 1. Effective May 6, 1946. Title of Act: An Act concerning the State Highway Department and authorizing the State Highway Commissioner to release land restrictions in certain cases. L.1946, c. 294, p. 989.	No change suggested.
27:7-22.2 Fee simple, acquisition of In addition to the powers now vested in the State Highway Commissioner for the acquisition of lands by virtue of any statute, he shall have power to take or otherwise acquire a fee simple absolute therein. L.1951, c. 112, p. 520, § 1.	No change suggested.
27:7-22.3 Acquisition of right of access to traffic circles, grade separations and channelized intersections, and ramp devices The State Highway Commissioner is hereby authorized to acquire by gift, purchase, or condemnation the right of access to traffic circles, grade separations and channelized intersections, and to ramp devices to facilitate connections thereto, existing or to be constructed within the State highway system. L.1952, c. 20, p. 105, § 1, as amended L.1957, c. 45, p. 79, § 2. Effective May 17, 1957. Title of Act: An act providing for the limitation of highway access to traffic circles, grade separations and channelized intersections, and to ramp devices to facilitate connections thereto, within the State highway system, and supplementing Title 27 of the Revised Statutes. L.1952, c. 20, p. 105, as amended L.1957, c. 45, p. 78, § 1.	This section should be amended by vesting the State Highway Commissioner with authority to control, as well as, to condemn rights of access without regard to limitations as specified in this section. (See statement on page 19.)
27:7-23. Acquisition of municipally owned property; procedure If the commissioner finds it necessary to acquire lands owned and used by municipalities for public uses and purposes he shall, before taking it over for highway purposes and after hearing had in the manner prescribed in section 27:7-4 of this Title, if before the time fixed for the hearing the municipality whose land is subject to be acquired shall file a notice with the commissioner setting forth that the land is necessary for the public use of the municipality, determine whether or not it is a reasonable public necessity to acquire the land in question.	No change suggested.

Present New Jersey Law

If the commissioner decides that it is a reasonable public necessity to acquire such lands for the State highway system, he shall give notice of his finding by serving a copy thereof upon the clerk of the governing body of the municipality within ten days after rendering the decision.

The municipality may within twenty days after service upon it of such notice, appeal from the decision of the commissioner to the Superior Court, which shall in an action hear and determine the question of whether or not the taking of the land in question in preference to some other route is a reasonable public necessity. The court may proceed in the action in a summary manner or otherwise. As amended L.1953, c. 27, p. 488, § 3.

Effective March 19, 1953.

27:7–24. Settlement of controversies involving land used as highway; award

The commissioner may settle and compromise, in such manner and upon such terms as he, in his discretion, may deem advisable, all controversies which have or shall have arisen respecting the location of a public highway, or any part thereof, under his jurisdiction and control, or respecting the width and boundaries of such public highway or any portion thereof, and all controversies which have or shall have arisen respecting the right of the state, through its duly constituted agencies, to seize and take possession of, as part of a public highway, under his jurisdiction and control, lands possessed and occupied as private property, under claim of ownership, for a long period of time, without any right being asserted therein by the state, or its predecessor in the alleged claim of title.

In determining these controversies the commissioner shall ascertain, if possible, whether the land has ever actually been used as a part of the public highway, and if such use has been abandoned, and whether the land has been the subject of private ownership for such long period of time that the taking thereof without adequate compensation would work a great hardship, and make such disposition of the matters in dispute as the principles of right and justice may require.

In the exercise of these powers the commissioner may award compensation, whenever he deems such award suitable and proper, and defray the cost of removing and rebuilding structures which encroach on the highway, and vacate the whole or any part of the land in controversy, if he deems that course proper.

27:7–38. Return of roads formerly maintained by state; resurfacing

When the commissioner determines to abandon a county, township or borough road or highway which, prior to March nineteenth, one thousand nine hundred and twenty-seven, was maintained by him, he shall, upon the request of the governing body of the county or municipality, provide for the surfacing thereof with the same material with which it was surfaced when taken over by the state. The work shall be done before the road or highway is returned to the county or municipality in which it is located.

Comment

No change suggested for these sections.

Present New Jersey Law

27:7-36. Location of state highways in county parks; agreement as to

In the location of state highway routes the commissioner shall not locate, lay out, construct, use or improve any route in, over, under, through or across a park, reservation or parkway owned by or under the control and jurisdiction of any park commission organized under the provisions of sections 40:37-96 to 40:37-174 of the title Municipalities and Counties, without the consent of the park commission.

The state highway commissioner and the county park commission may contract with each other in relation to the location, laying out, opening, improving, construction and maintenance of a state highway route or routes in, over, under, through or across any park, reservation or parkway owned by or under the control and jurisdiction of the county park commission, fixing the location thereof, and defining the terms and conditions agreed upon for the laying out, opening, improving, construction and maintenance thereof, and until the making and delivery of the contract the state highway commissioner shall not enter in or upon any park, reservation or parkway for the purpose, except for preliminary surveys and examinations, of laying out, opening, improving, constructing, maintaining or using any state highway route in, over, under, through or across any such park, reservation or parkway.

To effectuate the contract the park commission may convey to the state highway commissioner any lands or rights in lands of such park commission in, over, under, through or across which any state highway may, pursuant to the terms of any such agreement, be located.

Historical Note

Source. L.1928, c. 40, § 1, p. 96, suppl. to L.1927, c. 319, p. 712.

Comment

Supporting the statement on pages 19 - 21, it is strongly urged that this section be amended by providing the State Highway Commissioner with authority similar to the authority granted the Highway Authority by section 27:12B-6, relating to laying out roads through parks and reservations.

27:7-37. Highways affecting comprehensive plan for municipal improvements; conformity to plan

If the construction of a state highway will affect a comprehensive plan of improvement made or to be made by one or more municipalities, the commissioner may determine to conform as nearly as practicable to that plan of improvement and may determine to acquire lands outside of the uniform width of the highway. Such lands may be acquired by negotiation or condemnation and may be exchanged or sold and conveyed by the commissioner in order to aid in effectuating the comprehensive plan of improvement.

Historical Note

Source. L.1930, c. 191, § 1, p. 945, suppl. to L.1927, c. 319, p. 712.

No change suggested.

Present New Jersey Law

27:7–44.3 Relocation of structures impeding construction, acquisition of lands for

Whenever it shall appear to the State Highway Commissioner that construction of a State highway, the acquisition of lands for which has been previously authorized by him, will be impeded by reason of the presence of a structure or structures on the lands authorized to be required for such highway, he shall have power to acquire, by gift, purchase or condemnation, additional unimproved lands for the purpose of providing sites upon which may be relocated such structure or any or all of such structures which are removable from the lands authorized to be acquired for such highway and which, after relocation, will be suitable for the purpose for which they were used prior to such relocation; *provided, however,* that before the commissioner shall order the acquisition of any such additional unimproved lands he shall ascertain the quantum thereof requisite for the relocation of such structure or structures, and shall obtain an agreement in writing from the owner of such structure or structures at a stipulated rental for the structure or structures, or a portion or portions thereof, to be relocated on such additional lands. L.1950, c. 250, p. 863, § 1.

Effective June 26, 1950.

Title of Act:

An Act concerning the State Highway Department, and providing for the acquisition of unimproved lands for the relocation thereon of structures located on lands acquired by the State for highway purposes and for the rental and sale of such lands and structures, and supplementing Title 27 of the Revised Statutes. L.1950, c. 250, p. 863.

27:7–44.4 Size of tracts to be acquired; plans

Such additional unimproved lands may be acquired in tracts sufficiently large to permit the laying out of sites for the relocation thereon of more than one structure or structures or may be acquired in individual sites for the relocation thereon of one structure; *provided, however,* that no structure or structures shall be relocated upon any site until a plan or plans therefor shall have first been prepared at the behest of the State Highway Commissioner and approved by him. L.1950, c. 250, p. 863, § 2.

27:7–44.5 Power to relocate structures; what included; contracts

The power herein granted to relocate structures shall include the power to remove the same and to install all essential facilities, including (but not limited to) water, sewerage, gas and electricity. Any and all work to remove and effectuate the relocation of structure or structures may be done by the State Highway Department or may be contracted for, but any contract entered into shall in all respects comply with provisions of law regulating contracts entered into by State agencies. L.1950, c. 250, p. 864, § 3.

27:7–44.6 Condemnation; procedure

Whenever, in pursuance of this act,[1] it shall be necessary to acquire property by condemnation, the State Highway Commissioner shall proceed in accordance with the provisions of chapter one of Title 20 of the Revised Statutes,[2] relating to Eminent Domain, and may enter upon and take such property in advance of making compensation therefor. L.1950, c. 250, p. 864, § 4.

1 Section 27:7–44.3.
2 Section 20:1–1 et seq.

27:7–44.7 Funds which may be expended to relocate structures

For the purpose of acquiring lands pursuant to this act,[1] and for defraying any and all costs and expenses for removing and relocating structures, and for making said structure or structures suitable for use as intended by this act, the commissioner is authorized to expend funds heretofore or hereafter appropriated to the State Highway Department for highway construction purposes; and all proceeds from the sale or rental of the property shall be credited to the fund available for highway construction purposes. L.1950, c. 250, p. 864, § 5.

1 Sections 27:7–44.3 to 27:7–44.8.

27:7–44.8 Sale or rental

The State Highway Commissioner shall have power to sell any or all lands acquired pursuant to this act,[1] or any portion or portions thereof, or any structure or structures relocated thereon, or to rent the same for the use to which they were devoted prior to such relocation; *provided, however,* that:

Comment

No change suggested for these sections.

Present New Jersey Law

(a) All sales shall be at public auction;

(b) All rentals shall be made in the following order of preference: to the original owner or user of a relocated structure or structures; to an original user of a relocated structure or structures; to an owner user of a structure or structures on the property acquired for highway purposes, which was impractical to remove; to a tenant of any structure or structures on the property acquired for highway purposes; to any war veteran residing in the municipality in which the structure or structures was relocated and who, under the Constitution, qualifies for tax exemption, or the widow of such veteran. As between persons within the same preference category, preference shall be determined upon a competitive basis, if practicable; otherwise as the commissioner shall determine. In the event that no person or persons having preference as hereinabove provided, shall desire to rent property acquired pursuant to this act, the State Highway Commissioner may rent the same in whatever manner will, in his judgment, best serve the interest of the State. L.1950, c. 250, p. 864, § 6.

\ Sections 27:7-44.3 to 27:7-44.8.

27:12-1. Disposition of property not needed for public use

When real estate or any right or interest therein has or shall have come into the possession or control of the commissioner, or when he has or shall have taken real estate or any right or interest therein, in the name of the State for the use of the State in the improvement, betterment, reconstruction or maintenance of a State highway, and the commissioner has or shall have determined that the property so acquired is no longer required for such use, he may:

a. Sell at private sale, for not less than the amount paid therefor by the State, to any municipal corporation or to any public board or commission, for public use only; provided, however, that the State Highway Commissioner is empowered to convey upon such terms as he may deem proper to any municipal corporation or to any public board or commission for road and bridge purposes only any lands acquired by the State of New Jersey for road and bridge purposes;

b. Lease to any municipal corporation or to any public board or commission, for public use only;

c. Sell at public sale to the highest bidder; and

d. Exchange for other lands—

All or any portion of such real estate, or any interest therein, with or without improvements thereon, including the hereditaments, appurtenances, easements and rights of way, and make the necessary conveyance of same. As amended L.1954, c. 74, p. 443, § 1.

Effective June 24, 1954.

27:12-2. Disposition of slopes or easements

The commissioner may also, when he shall determine that certain slope, drainage or easement rights or any or all of them, or parts thereof, are no longer required or necessary for the use of the state highway with which they are connected, convey, grant, bargain, sell and release to the owners of the fee, any slope, drainage or easement rights, or any or all of them, or parts thereof, including without limitation those easement rights or parts thereof which give the state the right to enter upon lands adjoining any state highway for the purpose of cleaning, straightening, widening, deepening and maintaining existing ditches and streams and the right to discharge water and maintain a flow of water over such lands adjoining the right of way of a state highway.

Historical Note

Source. L.1930, c. 216, § 2, p. 989, suppl. to L.1917, c. 15, p. 35.

Comment

No change suggested for these sections.

RIGHT OF WAY

Present New Jersey Law

27:12-3. Deed; execution

All deeds of conveyance and releases shall be executed by the commissioner for and on behalf of the state, and the seal of the commissioner shall be affixed thereto.

Historical Note

Sources. L.1926, c. 96, § 2, p. 153, as am. by L.1930, c. 241, § 2, p. 1059, suppl. to L.1917, c. 15, p. 35. L.1930, c. 216, § 3, p. 989, suppl. to L.1917, c. 15, p. 35.

27:12-4. Sale or exchange of unused lands

When the commissioner shall determine that lands, the fee to which he has acquired or shall acquire in the name of the state, are no longer required for highway purposes, he may exchange or sell at private sale and convey said lands for the purpose of acquiring other lands required for highway purposes.

Historical Note

Source. L.1933, c. 430, § 1, p. 1153, suppl. to L.1927, c. 319, p. 712.

27:12-5. Terms

Such sale or exchange may be made to or with any person, corporation, municipality or county on such terms as the commissioner shall determine are to the best interests of the state.

Historical Note

Source. L.1933, c. 430, § 2, p. 1153, suppl. to L.1927, c. 319, p. 712.

27:12-6. Consummation of agreements made before December 4, 1933

Any agreement made prior to December fourth, one thousand nine hundred and thirty-three, between the commission and a municipality concerning the purchase, sale or exchange of lands may be consummated by the commissioner with the nominee of such municipality upon such terms and conditions as may be agreed upon between the commissioner and such municipality.

Historical Note

Source. L.1933, c. 430, § 3, p. 1154, suppl. to L.1927, c. 319, p. 712.

27:4-1. Vacation of unused roads

When a public road or highway or portion thereof laid out over one or more tracts of land by the surveyors of the highways shall have been unworked and unused for a period of not less than twenty years, it shall be vacated if and when the owner or owners of the lands over which it was laid out shall have filed in the office of the clerk of the county wherein the road lies, their assent in writing to such vacation, proven or acknowledged before an officer authorized to take the proof and acknowledgment of deeds and indorsed by him with his certificate.

Comment

No change suggested for these sections.

Present New Jersey Law

27:8-1. Contracts between state and federal government; other parties

The commissioner may apply to and contract with the United States government or any official thereof for aid in road work, and with the governing bodies of counties and other subdivisions of the state for doing such work with the aid of the state and federal governments. Such governing bodies may enter into such contracts and raise funds to meet their share of the cost in the manner provided by law for raising money for the construction, improvement and maintenance of roads.

Historical Note

Source. L.1916, c. 236, § 1, p. 496 [1924 Suppl. § 179-721].

27:8-2. Use of funds

The commissioner may undertake to receive and apply any money received from the federal government for road work to any work he shall have authority to do.

Historical Note

Source. L.1916, c. 236, § 2, p. 497 [1924 Suppl. § 179-722].

27:8-3. Division of cost

All work done with federal aid shall be done and paid for as provided by law, except as to the division of cost. The balance of the cost, after deducting the amount received or to be received as federal aid, shall be divided between the state and any governing body or bodies taking part therein in such manner as may be agreed between the commissioner and such body or bodies, but the state's share shall in no case exceed fifty per cent of such balance.

Historical Note

Source. L.1916, c. 236, § 3, p. 497 [1924 Suppl. § 179-723].

27:8-4. Incurring liability; limitation

The commissioner shall not incur any liability or otherwise commit the state to an expenditure in excess of the unrequisitioned balances of any funds at his disposal, available for road work, but after delivery of the contract from any governing body under this chapter the amount to be paid by that governing body shall be considered as an addition to such unrequisitioned balances in ascertaining the available means to secure aid from said government.

Historical Note

Source. L.1916, c. 236, § 4, p. 497 [1924 Suppl. § 179-724].

Comment

No change suggested for these sections.

FEDERAL-AID

Present New Jersey Law

Comment

27:8-5. Moneys kept separate

Moneys received in accordance with the provision of a contract under this chapter shall be kept as a separate fund to be used only for the purpose for which it was received.

Historical Note

Source. L.1916, c. 236, § 5, p. 497 [1924 Suppl. § 179-725].

27:8-6. Commissioner authorized to accept federal funds; expenditure

The commissioner may accept any funds allocated or granted to this state for expenditure by the department under the provisions of the national industrial recovery act or the emergency relief appropriation act of 1935 for the cost of highway or bridge construction, including the elimination of hazards to highway traffic, such as the separation of grades at railroad crossings, the reconstruction of existing railroad grade crossing structures, the relocation of highways to eliminate railroad crossings, the widening of narrow bridges and roadways, the building of foot paths, the replacement of unsafe bridges, the construction of routes to avoid congested areas, the construction of facilities to improve accessibility and the free flow of traffic, and the cost of any other construction that will provide safer traffic facilities or definitely eliminate existing hazards to pedestrian or vehicular traffic whether such highways, bridges or hazards are part of the state highway system or otherwise, and expend the same in the manner required by the provisions of the national industrial recovery act or the federal emergency relief appropriation act of 1935, and do all work and make all contracts and agreements required for such purposes.

Historical Note

Source. L.1936, c. 124, § 1, p. 309.

No change suggested for these sections.

CONSTRUCTION

Present New Jersey Law

Comment

27:7-14. Paving materials; width of roads; curves and crossings eliminated

The state highways herein provided for shall be paved with granite, asphalt, or wood blocks, bricks, concrete, bituminous concrete, sheet asphalt or other pavement having a hard surface and of a durable character, but nothing in this chapter shall prevent the commissioner from maintaining roads heretofore improved with other materials or with their present or similar surfaces pending their paving with materials complying with this chapter.

In all cases the width of the pavement shall be at least eighteen feet and the total width of the roadway shall be at least thirty feet, except at bridges, culverts, or grade crossings, where the roadway shall be of such width or widths as the commissioner may deem necessary and determine.

All sharp turns and angles and railroad grade crossings shall be eliminated wherever practicable.

Historical Note

Source. L.1927, c. 319, § 105, p. 721.

27:7-25. Work on state highways; contracts; institutional labor

All work of construction or building of unimproved roads and of extensive repairs to improved roads taken over as state highways shall be by contract or by labor of inmates of state institutions.

Historical Note

Source. L.1927, c. 319, § 112, p. 726, as am. by L.1931, c. 225, § 1, p. 564.

27:7-26. Notice of restriction on disturbing completed pavement

When the commissioner shall determine to construct or reconstruct a highway he shall, prior to the advertisement of such construction or reconstruction, serve upon the owner and tenants of the lands abutting the proposed highway and upon any public utility using it, a notice to the effect that subsequent to the construction of the surface pavement thereon, no openings will be permitted in the highway for a period of five years thereafter, without the consent of the commissioner.

Historical Note

Source. L.1927, c. 319, § 112, p. 726, as am. by L.1931, c. 225, § 1, p. 564.

No change suggested for these sections.

CONSTRUCTION

Present New Jersey Law

Comment

27:7–27. Service of notice; posting

The notice required by section 27:7–26 of this title shall be served upon the owner, tenant or public utility prior to the advertisement for the construction or reconstruction. If personal service upon the owner or tenant cannot be obtained, notice may be given by attaching a copy thereof to the premises, and in the case of a public utility, by service of a copy thereof upon an officer or employee of the public utility, and further by posting signs at both ends of the proposed construction or reconstruction in the following manner: Notice is hereby given that the state highway commissioner will on or about ..... begin improvement with a permanent surface that portion of state highway route ..... section ..... from ..... to .....

Historical Note

Source. L.1927, c. 319, § 112, p. 726, as am. by L.1931, c. 225, § 1, p. 564.

No change suggested for these sections.

27:7–28. Openings in highway within restricted period

When such owner, tenant, or public utility desires to open a highway before the expiration of the time prescribed by section 27:7–26 of this title, application shall be made to the commissioner for permission so to do and permission may be granted, upon such terms as the commissioner shall prescribe. Permission shall not be limited to public utility companies but may be granted to any such owner or tenant subject to the provisions of this chapter.

Historical Note

Source. L.1927, c. 319, § 112, p. 726, as am. by L.1931, c. 225, § 1, p. 564.

CONSTRUCTION

Present New Jersey Law

27:7-39. Sidewalks and curbs along highways; contracts with counties and municipalities

The commissioner may construct paths or sidewalks and curbing along state highways and other roads and highways under his jurisdiction from any moneys available to the commissioner, and in connection therewith may contract with counties and municipalities to share the cost of such construction and thereafter of the maintenance and reconstruction thereof.

27:7-41. Entry upon land to protect highway from damage by water

When the commissioner shall determine that it is necessary, for the preservation of a part of the state highway system, to prevent water from coming in contact with and damaging a state highway, he may enter upon any lands adjacent to the highway and reconstruct, by contract or by his own forces, such banks or other structures and construct such drain or drains as may be necessary to accomplish the preservation of the highway.

Such entry shall not be a trespass and the work above mentioned shall not be considered a taking for public use.

Comment

No change suggested for these sections.

Present New Jersey Law

Comment

CONSTRUCTION AND IMPROVEMENT BY COUNTIES

27:9-1. Construction of state highway routes by counties; consent required

The board of chosen freeholders of any county in which a state highway route has or shall have been laid out by the state highway commissioner may, with the consent of the commissioner, construct and improve the whole or any part of the highway within the county.

The construction and improvement shall be in accordance with plans and specifications submitted by the board of chosen freeholders and approved by the commissioner, and shall be conducted by the board of chosen freeholders at all times subject to the inspection of the commissioner.

A contract for the construction or improvement of a highway made by a county under this section and sections 27:9-2 to 27:9-5 of this title shall not be effective until approved by the commissioner both as to character and cost of work and materials, and shall provide that no payment shall be made thereunder to any contractor except on the certificate of the county engineer, countersigned by the state highway engineer, certifying that the work for which payment is claimed has been done in all respects in accordance with the contract and with the plans and specifications.

No change suggested for these sections.

27:9-2. County obligations issued

The board of chosen freeholders may provide and raise money for the purposes set forth in section 27:9-1 of this title, by issuing notes or bonds under the provisions of article 1 of chapter 1 of the title Municipalities and Counties (§ 40:1-1 et seq.).

The obligations issued pursuant to this section and renewals thereof shall be made under the provisions and limitations of section 40:1-8 of the title Municipalities and Counties.

CONSTRUCTION

Present New Jersey Law

27:9–3. Road taken over as state highway; county reimbursed

When the commissioner has or shall have approved a contract made in accordance with section 27:9–1 of this title and the payments thereunder, he shall within six years after the date of such approval, if funds be on hand available for the purpose, take over the highway so constructed by a county in accordance with the terms of sections 27:9–1 to 27:9–5 of this title and pay to the county the actual cost of the construction thereof. The sum so paid, or such part thereof as may be necessary, shall be used for the purpose of retiring any bonds or other obligations issued for the purpose of raising funds for the construction of the road.

No road constructed by a county under said sections 27:9–1 to 27:9–5 shall be taken over and paid for by the commissioner unless the state highway engineer shall certify to the commissioner that the road has been constructed in all respects in accordance with the plans and specifications approved by the commissioner, but the commissioner may, if funds be available and have been set aside for the purpose of reimbursing a county for the construction and improvement of a highway made by a county under said sections, pay to the county the amount already expended if the state highway engineer shall certify to the commissioner that the work has been done in accordance with the plans and specifications approved by the commissioner to the value of the amount requested.

Historical Note

Source. L.1918, c. 183, § 3, p. 522, as am. by L.1922, c. 91, § 1, p. 168 [1924 Suppl. § 48–*1180C(3)].

27:9–4. Refunding indebtedness if highway not taken over

If the commissioner does not take over the highway in the manner prescribed in section 27:9–3 of this title within six years after the authorization of the appropriation for its construction and improvement, the county shall refund the indebtedness incurred pursuant to section 27:9–2 of this title by the issuance of bonds under the provisions of article 1 of chapter 1 of the title Municipalities and Counties (§ 40:1–1 et seq.), none of which shall mature at a date later than the period set forth in section 40:1–34, of the title Municipalities and Counties, counting from the time of the authorization of the appropriation for the construction and improvement.

Historical Note

Source. L.1918, c. 183, § 2, p. 521 [1924 Suppl. § 48–*1180C(2)].

Comment

No change suggested for these sections.

Present New Jersey Law

Comment

27:9–5. Paving state highways by counties; consent; reimbursement

When a road laid out as part of the state highway system has or shall have been taken over by the commissioner as a state highway but has not yet been paved, the board of chosen freeholders of the county in which the road is situate may by resolution request the permission of the commissioner to pave it. If the commissioner concurs in the resolution the county may provide and pay for the work in the manner provided by sections 27:9–1 to 27:9–3 of this title for the improvement by counties of parts of state highway routes that have not been taken over by the commissioner.

Counties proceeding under this section shall finance such improvements in the manner provided by said sections 27:9–1 to 27:9–3. The commissioner may designate a year in which the county shall be reimbursed for such work.

Historical Note

Source. L.1920, c. 317, § 1, p. 569 [1924 Suppl. § 48–*1180C(4)], suppl. to L.1918, c. 183, p. 520.

27:9–6. Reimbursement of county for interest charges

When a state highway, or portion thereof, has been or shall be improved or reconstructed by the board of chosen freeholders of a county under an agreement with the commissioner, and the commissioner has agreed or shall agree to reimburse the county for the cost of the construction or improvement of such highway, or portion thereof, from state funds, the commissioner shall also agree to pay and the proper state agency shall pay to the board of chosen freeholders, in addition to the cost of the improvement or reconstruction, the actual amount of interest paid by the board for any money raised or borrowed by it for the purpose of making the improvement or construction. The interest shall be considered as part of the construction cost of the road or highway.

This section shall apply to all roads constructed or to be constructed under chapter 6 (§ 27:6–1 et seq.) and chapter 7 (§ 27:7–1 et seq.) of this title, and shall apply to any agreement relative to the construction thereof and the payment therefor entered into between the commissioner and any board of chosen freeholders, or to any contract which may hereafter be made between the commissioner and any board of chosen freeholders.

Historical Note

Sources. L.1929, c. 242, §§ 1, 2, pp. 449, 450, suppl. to L.1927, c. 319, p. 712.

No change suggested for these sections.

CONSTRUCTION

Present New Jersey Law

27:9-7. Agreement for work on state highways; payment of county's share

A county may enter into a written agreement with the commissioner to share in the cost of the construction, repair and maintenance of a state highway or a portion thereof, or any highway that may hereafter become a state highway or a portion thereof, and all work incident thereto, as the word "work" is defined in section 27:7-1 of this title. The county may raise its proportionate share of the cost in accordance with the provisions of law providing for road improvement or maintenance.

Upon the approval by the commissioner of the certificate of the inspector and engineer in charge of the work that it has been satisfactorily completed, in whole or in part, according to the contract, drawings and specifications, the disbursing officer of the county shall pay its share of the whole or partial cost according to the terms of the agreement, to the state treasurer to the credit of the commissioner.

Historical Note

Source. L.1926, c. 8, § 1, p. 14, suppl. to L.1918, c. 185, p. 567.

27:9-8. County bonds for highway improvements; law applicable

A county may borrow money and issue bonds for the improvement, betterment, reconstruction or resurfacing of portions of the state highway system located in the county. The bonds shall be issued in the manner and subject to the limitations prescribed by article 1 of chapter 1 of the title Municipalities and Counties (§ 40:1-1 et seq.).

Historical Note

Source. L.1930, c. 138, § 1, p. 407, suppl. to L.1927, c. 319, p. 712.

27:9-9. Agreement between county and state; use of proceeds; reimbursement

No bonds shall be issued by a county under sections 27:9-8 to 27:9-12 of this title unless and until the board of chosen freeholders thereof shall have previously entered into an agreement on behalf of the county with the state highway commissioner whereby the commissioner shall have agreed to reimburse, and to repay to the county a sum equal to the principal and interest of the bonds, which sum shall be paid in installments to be fixed in the agreement, and whereby the board of chosen freeholders shall have agreed to pay to the commissioner the sum or sums raised by the issuance of those bonds, after deducting the expense of issuance.

Any sum so paid to the commissioner pursuant to any such agreement shall be expended solely for the purpose of improving, bettering, reconstructing or resurfacing portions of the state highway system located within the county, as provided in the agreement.

Historical Note

Source. L.1930, c. 138, § 2, p. 408, suppl. to L.1927, c. 319, p. 712.

Comment

No change suggested for these sections.

Present New Jersey Law

Comment

27:9–10. Contribution by county; reimbursement

The state highway commissioner may accept from any such county any sum raised by the issuance of bonds pursuant to sections 27:9–8 to 27:9–12 of this title, and expend such sums for the improvement, betterment, reconstruction or resurfacing of portions of the state highway system located in the county issuing the bonds, and agree to reimburse and repay to such county a sum equal to the principal and interest of such bonds in installments to be fixed in the agreement, from revenues appropriated to the use of the commissioner.

Historical Note

Source. L.1930, c. 138, § 3, p. 408, suppl. to L.1927, c. 319, p. 712.

No change suggested for these sections.

27:9–11. Maturity of bonds arranged

In fixing the time or times of maturity of the principal of any such bonds, the board of chosen freeholders shall consider the amounts to be received each year by way of reimbursement and shall endeavor to arrange the times of maturity of the principal so that the levy of a tax will not be necessary in order to pay either the principal or interest of the bonds.

Historical Note

Source. L.1930, c. 138, § 4, p. 408, suppl. to L.1927, c. 319, p. 712.

27:9–12. Powers deemed additional; construction

The powers granted by sections 27:9–8 to 27:9–11 of this title, are in addition to and not in substitution for the powers granted by existing statutes, and are not subject to any limitation or restriction prescribed by any such statutes, except as may be expressly provided by said sections.

The obligation of the commissioner to make any payment or reimbursement pursuant to the agreements authorized by said sections shall have such force and effect as may be permitted by the constitution of this state and if any of the provisions contained in sections 27:9–9 to 27:9–11 of this title shall be unconstitutional or invalid, such provisions shall be exscinded and the remaining sections shall stand.

Historical Note

Source. L.1930, c. 138, § 5, p. 408, suppl. to L.1927, c. 319, p. 712.

Present New Jersey Law

Comment

CONSTRUCTION AND IMPROVEMENT BY MUNICIPALITIES

27:10-1. Approval of plans by commissioner; contracts

The governing body of a municipality in which a state highway route has or shall have been laid out may, with the consent of the commissioner, construct and improve any part of the highway within the municipality. The work shall be in accordance with plans and specifications submitted by the governing body and approved by the commissioner, and shall be conducted by the governing body at all times subject to the inspection of the commissioner.

No contract for the construction or improvement of a highway made by a municipality under the provisions of this chapter shall be effective until approved by the commissioner, both as to character of work and materials.

The contract shall provide that no payment shall be made thereunder to a contractor except on the certificate of the municipal engineer, countersigned by the state highway engineer, certifying that the work for which payment is claimed has been done in all respects in accordance with the contract, plans and specifications.

No change suggested for these sections.

27:10-2. Municipal obligations issued

The governing body of the municipality may provide and raise moneys to be expended for the work contemplated by section 27:10-1 of this title, by issuing notes or bonds under the provisions of article 1 of chapter 1 of the title Municipalities and Counties (§ 40:1-1 et seq.).

The obligations issued hereunder and renewals thereof shall be made under the provisions and limitations of section 40:1-8 of the title Municipalities and Counties.

Historical Note

Source. L.1921, c. 246, § 2, p. 769 [1924 Suppl. § 179-803].

27:10-3. Refunding indebtedness if highway not taken over

If the commissioner shall not take over the highway as provided in section 27:10-4 of this title before six years after the authorization of the appropriation for the work, the municipality shall refund the indebtedness incurred under the authority of this chapter by the issuance of bonds pursuant to article 1 of chapter 1 of the title Municipalities and Counties (§ 40:1-1 et seq.), but in no case shall the last maturity of the bonds so issued be longer than the period set forth in section 40:1-34 of the title Municipalities and Counties, counting from the time of the authorization of the appropriation for the construction or improvement.

CONSTRUCTION

Present New Jersey Law

27:10–4. Road taken over as state highway; municipality reimbursed; bonds retired

When the commissioner shall have approved a contract made in accordance with section 27:10–1 of this title and the payments thereunder, he shall within six years after the date of his approval, if funds be on hand available therefor, take over any highway constructed by any municipality under contract in accordance with the terms of this chapter and pay to the municipality the actual cost of the construction thereof, without interest. The sum so paid, or such part thereof as may be necessary, shall be used for the purpose of retiring any bonds or other obligations issued for the purpose of raising funds for the construction of such road.

No road constructed by a municipality hereunder shall be taken over and paid for by the commissioner unless the state highway engineer shall certify to the commissioner that the road has been constructed in all respects in accordance with the plans and specifications approved by the commissioner.

Historical Note

Source. L.1921, c. 246, § 3, p. 770 [1924 Suppl. § 179–804].

27:10–5. Time for reimbursement

The commissioner may designate the year in which the municipality shall be reimbursed for the work.

Historical Note

Source. L.1921, c. 246, § 4, p. 770 [1924 Suppl. § 179–805].

Comment

No change suggested for these sections.

DETOUR
(State and County)

Present New Jersey Law

27:3-1. Establishment of detour upon necessity

When a road is being constructed, reconstructed or undergoing extraordinary repairs under the authority and direction of the board of chosen freeholders of a county, or the state highway commissioner, or by them jointly, and by reason thereof the road is closed to or rendered unfit for public travel, the body under whose authority and supervision the work is being done may provide a detour or detours over any other roads in the county, when the work is being done by the board of chosen freeholders, and over any other roads in the state when the work is being done by the state highway commissioner.

Historical Note

Source. L.1921, c. 285, § 1, p. 835 [1924 Suppl. § 179-797].

27:3-2. Improvement of detour roads; consent required

In providing detours the board of chosen freeholders or the state highway commissioner may expend money on roads used as detours so as to place them in fit condition for public travel, provided they first obtain from the body having control and supervision of them, consent to make the repairs.

Historical Note

Source. L.1921, c. 285, § 2, p. 836 [1924 Suppl. § 179-798].

27:3-3. Resolution declaring necessity for detours; cost of repair and maintenance

When the work contemplated by section 27:3-1 of this title will necessitate the providing of detours over other roads, the board of chosen freeholders may pass a resolution setting forth the fact that detours are necessary, naming the roads to be used, and setting forth the amount of money necessary to put the detours in proper condition for travel and to maintain them during the necessary period. When the state is engaged in any work requiring such detours the determination of the necessary facts shall be made by the state highway commissioner.

The cost of repairing and maintaining the detours during that period may be included in and considered a part of the cost of construction, reconstruction or extraordinary repairs, and bonds or other obligations may be issued therefor in the same manner as for the construction, reconstruction or extraordinary repairs, and may be included in the same issue and as part thereof.

Historical Note

Source. L.1921, c. 285, § 3, p. 836 [1924 Suppl. § 179-799].

Comment

No change suggested for these sections.

DETOUR
(State and County)

Present New Jersey Law

27:3-4. Repair and maintenance of detour roads

The repair of roads used as detours and their maintenance during the necessary period may be included in the original contract for construction, reconstruction or extraordinary repairs, or may be let by separate contract, or the roads so used may be repaired and maintained as state and county roads are repaired and maintained, as the body authorizing the work may elect.

Historical Note

Source. L.1921, c. 285, § 4, p. 837 [1924 Suppl. § 179-800].

27:3-5. State's contribution for detour roads

The state highway commissioner may contribute to any county for the purposes of this article any money that may come into his hands to be used for construction, reconstruction or extraordinary repairs, and may certify and set forth in writing to the board of chosen freeholders the amount of money he will give for the purpose of providing and maintaining detours, and the manner and method in which the sum so contributed shall be used, and may formulate such rules and regulations for the expenditure of the money as he may deem necessary. Money so contributed shall be used only for the purpose for which it is contributed, and expended under the authority and direction of the board of chosen freeholders of the county to which the contribution is made.

Historical Note

Source. L.1921, c. 285, § 5, p. 837 [1924 Suppl. § 179-801].

Comment

No change suggested for these sections.

DETOUR
(Local Roads)

Present New Jersey Law

27:3-6. Detour roads; establishment

When a road shall be closed temporarily by the governing body of a municipality, the board or body having control of such road or closing the same shall provide a detour road for the use of the public.

Historical Note

Sources. L.1921, c. 52, §§ 1, 8, pp. 86, 87 [1924 Suppl. §§ 179-789, 179-796].

27:3-7. Selection of route; control

The detour road so selected shall be the shortest practicable route from and to the road temporarily closed, and the governing body selecting it shall have full and complete jurisdiction over it, except as hereinafter provided, so long as it shall be used as a detour road.

Historical Note

Source. L.1921, c. 52, § 2, p. 86 [1924 Suppl. § 179-790].

27:3-8. Improvement and maintenance of detour roads

The detour road shall be placed in, and shall be maintained in, proper condition for the use of the public during the period of its use as a detour road.

Historical Note

Source. L.1921, c. 52, § 3, p. 86 [1924 Suppl. § 179-791].

27:3-9. Guide marks

The governing body shall erect and maintain proper signs to guide the public to, from and along the detour road from and to the points of departure from and re-entry upon the closed road.

Historical Note

Source. L.1921, c. 52, § 4, p. 87 [1924 Suppl. § 179-792].

27:3-10. Restoration after use as detour

At the termination of the period of use of the detour road as such, the governing body shall place it in as good condition as when it assumed jurisdiction.

Historical Note

Source. L.1921, c. 52, § 5, p. 87 [1924 Suppl. § 179-793].

27:3-11. Cost of repair and maintenance

The cost of repairing and maintaining detour roads as required by section 27:3-6 of this title shall be borne by the governing body required to maintain and repair them, and shall be a part of the cost of the construction, repair or reconstruction which necessitated the use of a detour.

Historical Note

Source. L.1921, c. 52, § 6, p. 87 [1924 Suppl. § 179-794].

Comment

No change suggested for these sections.

DETOUR
(Local Roads)

Present New Jersey Law

Comment

27:3-12. Failure to provide or maintain detour; violations reported; remedy

When, in the opinion of the governing body of the municipality having original jurisdiction over a road or highway selected as a detour road, any other governing body fails or neglects to comply with the provisions of section 27:3-6 of this title with respect to a road or highway within its original jurisdiction it shall report the violation to the state highway engineer, who shall investigate it and, if he finds a violation, issue an order to the public authority hereby charged with the maintenance and repair of the detour road, directing it to make repairs to or to maintain the detour in the manner and within the time indicated in the order.

Historical Note

Source. L.1921, c. 52, § 7, p. 87 [1924 Suppl. § 179-795].

No change suggested for these sections.

Present New Jersey Law

Comment

27:2-1. Contracts for work on public thoroughfares

When the cost of constructing, reconstructing or resurfacing any state, county or municipal road, street or highway, or portion thereof, will exceed one thousand dollars, the specifications and their adoption and the award of the contract therefor shall be subject to the provisions of this chapter.

Historical Note

Source. L.1923, c. 188, § 1, p. 495 [1924 Suppl. § 179-842].

No change suggested for these sections.

27:2-2. Types of material and construction; alternative bids

The body having charge of the work may adopt plans and specifications calling for more than one type of material and construction, and if more than one type is specified bids shall be asked for, on the types specified, in the alternative, but individual bidders shall not be required to submit bids on more than one type of material or construction.

Historical Note

Source. L.1923, c. 188, § 2, p. 495 [1924 Suppl. § 179-843].

27:2-3. Type of material selected; award to lowest bidder

After bids are received by the body having control of the work, it shall then select the type of material or construction which under all the circumstances is considered most suitable for the work and shall make the award to the lowest responsible bidder on the type of construction so selected.

Historical Note

Source. L.1923, c. 188, § 3, p. 495 [1924 Suppl. § 179-844].

27:2-4. Inviting bids on patented paving; other pavements

If a patented, proprietary pavement or paving material, or ingredients used in paving, is included in the specifications, the body having charge of the work shall not only specify such type of construction, but shall also place in the specifications one or more equivalent types of construction upon which no patent exists, or upon which there is no proprietary right or condition, as an alternate type, and bids shall be asked for on the various types so specified. The award shall be made to the lowest responsible bidder on the types of construction so placed in competition.

Historical Note

Source. L.1923, c. 188, § 4, p. 495 [1924 Suppl. § 179-845].

Present New Jersey Law

27:2-5. Specifications to make fair competition

In selecting alternate pavements for competition with each other the public body in charge of the work shall require the specifications to be so drawn that the competition is in every way fair and reasonable, and, so far as the engineering conditions will permit, the base to be used under the various types of pavement shall be of the same general character, and, so far as the engineering conditions will permit, of the same thickness and width, irrespective of the thickness of the surface pavement. In this particular the judgment of the public body shall be final.

Historical Note

Source. L.1923, c. 188, § 5, p. 496 [1924 Suppl. § 179-846].

27:2-6. Bituminous cements; variations allowed

When the ingredients used as a cement are bituminous in character, in alternates the same general type of bituminous cement shall be used in both the patented and proprietary pavements and the unpatented or nonproprietary pavements, the only variations permitted in this particular being the natural variations which are inevitable in the proper fluxing and blending of cements of a bituminous character for distinctive types of pavement, or where the bituminous cement is subjected to mechanical oxidation and to the impregnation of filler or other fine material by mechanical means subsequent to the original distillation.

Historical Note

Source. L.1923, c. 188, § 6, p. 496 [1924 Suppl. § 179-847].

27:2-7. Width and surface of competitive pavements to coincide

When a patented, proprietary or controlled pavement is used in alternate competition with unpatented, nonproprietary and noncontrolled pavements, the width of the pavements for each type shall be the same and the extent in square yards of surface of each type in the competition shall be the same.

Historical Note

Source. L.1923, c. 188, § 7, p. 496 [1924 Suppl. § 179-848].

27:2-8. Liquid applications

The provisions of this chapter shall be applicable to patented proprietary pavements or ingredients which are applied to roadway surfaces in liquid form or are distributed by the spraying or sprinkling process.

Historical Note

Source. L.1923, c. 188, § 8, p. 496 [1924 Suppl. § 179-849].

Comment

No change suggested for these sections.

Present New Jersey Law

Comment

27:7-29. Advertisement for bids; contents; publication

The commissioner shall advertise for bids on the work and materials covered by the plans and specifications and may divide them into two or more contracts, but all bids for the whole or as subdivided shall be submitted at the same time.

The advertisement shall be by public notice published for at least three weeks before the contract may be awarded, at least once a week in each of two newspapers printed in the county or counties where the roads are located, and in one other newspaper in Trenton, and may be inserted in one or more American engineering periodicals.

The advertisements shall give a brief description of the work and materials required, specify where plans and specifications can be seen or had, the hour, date, and place where the sealed proposals will be received and publicly opened and read, and such other pertinent information as the commissioner may include.

Historical Note

Source. L.1927, c. 319, § 113, p. 727.

27:7-30. Award of contract; rejection of bids

The commissioner may reject any or all bids not in accord with the advertisement of specifications, or for any other irregularity, or may reject any or all bids if the price for work or materials is excessively above the estimated cost, or for any other cause. The state highway engineer shall prepare a list of the bids, including any rejected and the cause therefor, and the commissioner shall award the contract to the lowest responsible bidder.

Historical Note

Source. L.1927, c. 319, § 114, p. 727.

27:7-31. Certified check to accompany bid; amount; contractor's bond

A certified check equal to at least ten per cent of the bid, and drawn to the order of the state treasurer, shall accompany each bid and shall be held as security that, if awarded the contract, the bidder will deliver it within ten days after the ratification of the award, properly signed and secured by a satisfactory bond. The amount of the check shall in no case exceed twenty thousand dollars, and if the bid is less than five thousand dollars the check shall be five hundred dollars. The commissioner may require in addition to the certified check such additional evidence of the ability of a contractor to perform the work required by the contract as he may deem necessary and advisable.

Historical Note

Source. L.1927, c. 319, § 115, p. 728.

No change suggested for these sections.

Present New Jersey Law

27:7–32. Failure to provide bond forfeits check

If the bidder fails to provide a satisfactory bond as provided in section 27:7–31 of this title, his check shall be forfeited to the state as liquidated damages, and shall be applied and become a part of the funds of the commissioner.

Historical Note

Source. L.1927, c. 319, § 115, p. 728.

27:7–33. Time for awarding of contract; return of checks

The commissioner shall award the contract or reject the bids therefor within one month after the bids are received, and all proposal checks which may have been delivered with the bids, except the two lowest responsible bids, shall be returned within three days thereafter.

Historical Note

Source. L.1927, c. 319, § 115, p. 728.

27:7–34. Partial and deferred payments for highway work; amount

Contracts may provide for partial payments at least once each month or from time to time as the work progresses on work of construction or maintenance. Ten per centum of the amount due on partial payments on the first 50% of the total contract price shall be withheld from the contractor pending completion of the contract. Thereafter, on the remaining 50% of the total contract price, no per centum of the partial payments shall be withheld from the contractor pending such completion.

Contracts may also provide for partial payments at least once in each month or from time to time as the work progresses on all materials placed along or upon the site which are suitable for the use and execution of the contract, provided the contractor furnishes releases of liens for all materials furnished at the time each estimate of work is submitted for payment, but such partial payments shall be 80% of the value of the material.

When the contract provides that a portion of the work may be deferred with the approval of the commissioner, the sum withheld from the contractor may not be less than 25% of the value of said work. As amended L.1958, c. 7, p. —, § 1.

Effective April 1, 1958.

27:7–35. Contractor's bond on completion of work; term and effect

When a contractor has completed his contract for work to be done under this chapter, no part of the contract price shall be retained, but the contractor shall enter into bond to the commissioner in a sum amounting to five per cent of the contract price with a surety company authorized to do business in the state and approved by the attorney general, as surety.

The bond shall remain in force for one year and shall provide that the contractor can be held responsible for poor workmanship done or poor materials furnished under the contract, but he shall not be responsible for acts or causes which are beyond or outside his control.

Historical Note

Source. L.1927, c. 319, § 116, p. 728.

Comment

No change suggested for these sections.

Present New Jersey Law

27:7-43. Contracts for deposits of road materials

The commissioner may contract with any person or public or private corporation for the acquisition of any necessary lands, or easements for gravel pits or other natural deposits of road materials advantageously located to the state highways, and may take title in the name of the state.

Historical Note

Source. L.1917, c. 14, § 13, p. 30 [1924 Suppl. § 179-73B].

27:7-44.2 Relief of contractor from maintenance of completed section

When a section of a project under contract shall have been completed prior to the completion of the entire project, the commissioner shall have authority to relieve the contractor from the maintenance of such completed section. L.1949, c. 176, p. 566, § 1.

Effective May 20, 1949.

Title of Act:

An Act concerning the State Highway Department, and supplementing Title 27 of the Revised Statutes. L. 1949, c. 176, p. 566.

Comment

No change suggested for these sections.

Present New Jersey Law

Comment

27:7–12. Use of roads by public utilities; consent required

No consent, grant or franchise for the laying of any railroad or street railway crossings, gas pipes, water pipes, electric conduits or other piping, telegraph, telephone, electric light or power poles in or upon any road in the state highway system prior to its being taken over as a state highway, shall be given except under restrictions, regulations and conditions approved, and officially made known to the body with authority to issue such privilege, by the commissioner.

No issue of such consent, grant or franchise by a public body shall operate as a waiver of liability in favor of the person laying or erecting such works in or upon such highway or any portion thereof.

Historical Note

Source. L.1927, c. 319, § 107, p. 722.

No change suggested for these sections.

27:7–13. Use of bridges and viaducts by public utilities; agreement

No person shall lay any tracks, pipes or conduits on, over or under any public viaduct or bridge constituting a part of the state highway system, or connect any wires, cables or other appliances to any such viaduct or bridge without first obtaining the consent of the commissioner and complying with such reasonable terms and conditions as may be prescribed by him, but any public utility subject to the regulation of the board of public utility commissioners, whose rates are subject to be fixed by that board, and which has the right to use the highway on both sides of any such viaduct or bridge or which had or shall have its tracks, pipes, conduits or wires in, on, over or under any such viaduct or bridge when it was or shall be taken over by the commissioner as part of a state highway, may lay, connect, maintain and operate its tracks, pipes, conduits, wires, cables or other appliances in, on, over or under any such viaduct or bridge, and in, on, over and upon any new viaduct or bridge including the necessary highway approach thereto constructed at the same or a new location in substitution for any such viaduct or bridge, at its own cost and expense, under such reasonable terms and regulations as the commissioner has prescribed or may hereafter prescribe, which terms and regulations may be contained in an agreement between the commissioner and the public utility.

Present New Jersey Law

Comment

The agreement may contain such provisions with regard to the use made or to be made of the viaduct or bridge as have been or may be agreed upon, but in no event shall any such public utility be required to pay for any such use more than an amount sufficient to compensate the state for the extra burden imposed upon the state by reason of the use of any such viaduct or bridge by the public utility.

If the commissioner and the public utility cannot agree upon the terms and regulations or the amount to be paid as hereinbefore provided, an application may be made to the board of public utility commissioners, which shall, after hearing, fix the terms and regulations governing such use and the amount to be paid by the public utility.

This section shall not relieve any such public utility from the payment of any sum which, on August twelfth, one thousand nine hundred and twenty-nine, was due or claimed to be due or accrued under any contract previously entered into by the public utility for its use of any bridge or viaduct.

Historical Note

Sources. L.1929 (Sp.Sess.), c. 2, §§ 1, 2, pp. 846, 847, suppl. to L.1927, c. 319, p. 712.

PIERS AND WHARVES

Present New Jersey Law

27:7-49. Acquisition of property and rights

The department may acquire for the state, by gift, devise, grant, purchase or condemnation for public use, land and water rights in any county of the sixth class, and place thereon structures and buildings and erect or purchase piers, wharves or docks for the landing of boats for the carrying and transportation of freights, vehicles and passengers.

Historical Note

Source. L.1930, c. 253, § 1, p. 1084.

27:7-50. Property to be part of highway system

The land or water rights and the piers, wharves or docks shall become a part of the state highway system and shall be under the supervision and control of the department, and when the piers, wharves or docks have been acquired or erected they shall be maintained by the state out of the funds appropriated, raised or collected for the use of the department.

Historical Note

Source. L.1930, c. 253, § 2, p. 1084.

27:7-51. Construction; law applicable

The erection and construction of the piers, wharves, or docks, as situate within the territorial jurisdiction of New Jersey, shall be subject to the laws of New Jersey, as such laws apply to the construction of public highways in this state, when state money is used in the construction of the whole or a part of such highway.

Historical Note

Source. L.1930, c. 253, § 3, p. 1084.

27:7-52. Wharfage charges; regulations; lease with option to buy

The department shall prescribe such charges for the use of the piers or wharves and make such rules and regulations governing them as to it may seem reasonable and necessary. The piers, wharves or docks may be rented or leased by the commissioner for a period not to exceed ten years, with the privilege of purchasing at actual cost at the expiration of the lease.

Historical Note

Source. L.1930, c. 253, § 4, p. 1084, as am. by L.1931, c. 19, § 1, p. 48.

Comment

No change suggested for these sections.

ADVERTISING

Present New Jersey Law

Comment

CHAPTER 5. ADVERTISING ALONG HIGHWAYS

27:5–1. Advertising on highways and private property prohibited; penalty

Whoever shall paint or place upon, or in any manner affix to, a fence, structure, pole, rock, tree or other object which is the property of another, whether within or without the limits of a public highway, or maintain thereon any words, device, trademark, advertisement or notice not required by law to be posted thereon, without first obtaining the consent in writing of the owner or tenant of the property, or of the body having control of the highway if placed on a highway, shall, upon complaint of the owner or tenant, or of any police officer or other person, be liable to a penalty of twenty-five dollars ($25.00) upon conviction in the municipal court of the municipality wherein the violation occurred. If consent is obtained that fact shall be stated on the advertisement or notice.

This chapter shall not apply to cautionary signals or signs, or directional signs or notices erected on or along a highway by the body having control thereof or by its consent. As amended L.1953, c. 27, p. 487, § 1.

Effective March 19, 1953.

27:5–2. Duty of state police

Every subordinate officer or member of the department of state police shall report to the superintendent, or to any deputy or assistant superintendent of the state police, any violation of section 27:5–1 of this title so far as it relates to public highways within the territory patroled by him outside of municipalities having an organized police force. Thereupon the superintendent of the department of state police, or a person designated by him, shall notify the person violating said section 27:5–1 to abate the nuisance forthwith. If the notice is not promptly complied with, suit shall be commenced for the penalty herein prescribed in the name and for the use of the state.

Historical Note

Source. L.1931, c. 170, § 2, p. 346, suppl. to L.1917, c. 131, p. 290.

27:5–3. Police officers to report violations; summary proceeding

The subordinate officers of the police force of every municipality having an organized police force, shall report to the chief of police of such municipality every violation of section 27:5–1 of this Title so far as it relates to public highways within the municipality. Thereupon the chief of police or a person designated by him, shall notify the person violating said section 27:5–1 to abate the nuisance forthwith. If the notice is not promptly complied with, a summary proceeding shall be commenced for the penalty in the name and for the use of the municipality in accordance with the Penalty Enforcement Law (N.J.S. 2A:58–1 et seq.). As amended L.1953, c. 27, p. 488,

27:5–4. What constitutes nuisance

Any word, device, trade-mark, advertisement or notice painted, placed, affixed or maintained within the limits of a highway in violation of the provisions of section 27:5–1 of this title, shall be a public nuisance.

Historical Note

Source. L.1931, c. 170, § 4, p. 346, suppl. to L.1917, c. 131, p. 290.

No change suggested for these sections.

PENALTY

Present New Jersey Law

Comment

27:7-44. Injurious substances on highway forbidden; protection of property; penalties

No person shall place or allow to fall upon a state highway any broken glass, pottery or sharp object, or any substance injurious to the surface of the road or to the person, health or property of those using the highway or residing along the line thereof nor shall any person interfere with or injure any tree, handrail, wall, bridge, culvert or other public property within the lines of a state highway.

A person who violates any of the provisions of this section or who willfully damages, injures or destroys any such highway or its appurtenances shall be liable to a fine of not less than ten dollars nor more than twenty dollars for each offense together with the costs of prosecution, to be recovered by the department in the name of the state in an action at law in any court of competent jurisdiction.

The fines collected shall be paid into the state treasury to the credit of the funds available for the construction, maintenance and repair of roads.

Historical Note

Source. L.1912, c. 396, § 13, p. 833 [1924 Suppl. § 179-670].

No change suggested for these sections.

27:7-44.1 Consents, grants and franchises affecting highways; approval of commissioner; removal of encroachments; penalty for violation

No consent, grant or franchise affecting any portion of a State highway, or of any road included in the State highway system, shall be given for the construction of a railroad or street railway thereon except upon approval of and under conditions acceptable to the commissioner; nor shall any person enter upon or construct any works in or upon any State highway, except under such conditions and regulations as the commissioner may prescribe. Whenever any encroachment may exist without warrant of law in any road when taken over as a State highway, the commissioner shall notify the Attorney-General, who shall proceed to cause the same to be removed as by law provided.

Any person guilty of any violation of this section shall be liable to a fine not exceeding one hundred dollars ($100.00) for each such day's violation, and the costs of prosecution, to be recovered by a civil action in the name of the State before any court of competent jurisdiction, by the commissioner. Said fines shall be paid into the State treasury to the credit of the funds available for construction, maintenance and repair of roads.

Any such violation may be removed from any State highway as a trespass by a civil action brought by the commissioner in the Superior Court. The court may proceed in the action in a summary manner or otherwise. As amended L.1953, c. 27, p. 489, § 4.

Effective March 19, 1953.

HIGHWAY RESEARCH BOARD SPECIAL REPORTS

In 1952 the American Association of State Highway Officials requested the Highway Research Board, National Academy of Sciences, to make a comprehensive study of the highway laws of the several states.

Pursuant to this request the Highway Research Board undertook such study by appointing a special committee to supervise the work and assigned attorneys to do the actual work of research. The objective of the project was: (1) To assemble the state constitutions, highway statutes and pertinent court decisions and analyze them as they related to all highway functions, and (2) With the background of fact so derived, to isolate important elements necessary for good highway law to be reviewed by the several state legislatures in making necessary changes in highway statutes.

Research has been completed and reports have been published on the following functions:

Relocation of Public Utilities Due to Highway Improvement (Special Report 21)

Expressway Law (Special Report 26)

Acquisition of Land for Future Highway Use (Special Report 27)

Condemnation of Property for Highway Purposes, Part I (Special Report 32)

Condemnation of Property for Highway Purposes, Part II (Special Report 33)

Legislative Purpose in Highway Law (Special Report 39)

Outdoor Advertising Along Highways (Special Report 41)

Highway System Classification (Special Report 42)

Federal-Aid Provisions in State Highway Laws (Special Report 48)

Intergovernmental Relations (Special Report 49)

Constitutional Provisions Concerning Highways (Special Report 50)

In the process of being published are: Condemnation of Property for Highway Purposes, Part III; Highway Administration; and Contracts.

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